

# **CITY OF THREE FORKS, MONTANA**

## **RESOLUTION #441-2025**

### **A RESOLUTION APPROVING 105 EAST ADAMS STREET, THREE FORKS, MONTANA FOR MORE THAN FOUR DOGS**

**WHEREAS**, Three Forks City ordinance 6-4A-3: Additional Dog Permit was enacted by the passage on November 10, 2024, of Ordinance 402-2024, becoming effect on December 10, 2024.

**WHEREAS**, John and Sarah Jorgenson moved in to live with Sarah’s father, Harold Ralston, at 105 E. Adams Street, Three Forks MT during May of 2024.

**WHEREAS**, in May of 2024 and prior to the enactment of 6-4A-3: Additional Dog Permit, the City of Three Forks (“City”) Ordinances allowed for persons with three or more dogs to apply for a kennel license, which at the time allowed for an unspecified number over three dogs to live at a property. Between May of 2024 and April of 2025, no person residing at 105 E. Adams sought the City’s approval of a kennel license nor licensed the dogs living at 105 E. Adams.

**WHEREAS** with the enactment of Ordinance 402-2024 that amended 6-4A-3: Additional Dog Permit, the City terminated the avenue of seeking a “kennel license” in favor of Ordinance 6-4A-3 “additional dog permit”.

**WHEREAS**, upon the enactment of Ordinance 6-4A-3: Additional Dog Permit, it became unlawful for any person, family, or group of persons in the same dwelling to keep, harbor, or maintain more than four (4) dogs of any age with or without an issued permit in or upon any property.

**WHEREAS**, prior to the City Council meeting of May 27, 2025, the Gallatin County Sheriff’s attention was called to 105 E. Adams St., and the dogs housed thereon, because of a dog bite report to the hospital of a dog residing at 105 E. Adams St., while the neighbor and their dog was also on 105 E. Adams St.

**WHEREAS**, at the time of the dog bite investigation, for which no further action was requested, the City learned that the dogs living at 105 E. Adams St. were not licensed and exceeded the total allowed as enacted by Ordinance 6-4A-3: Additional Dog Permit.

**WHEREAS**, on April 29, 2025, John and Sarah Jorgenson licensed three of the dogs and made application under Ordinance 6-4A-3: Additional Dog Permit, acknowledging they had not sought a kennel license nor licensed their three dogs nor sought licenses for Sarah’s father’s two dogs all residing at 105 E. Adams St. The reason offered for not bringing the property into compliance before or after the enactment of Ordinance 6-4A-3: Additional Dog Permit was they did not want to rehome or put down a dog in order to comply with the municipal ordinances. In the April 29, 2025 Additional Dog Application, the Jorgenson’s sought approval of keeping all five dogs until such time as the “oldest dogs” pass away leaving three (3) dogs at 105 E. Adams St.

## **CITY OF THREE FORKS, MONTANA**

**WHEREAS**, the City of Three Forks provided notice of the hearing to be held on May 27, 2025 to forty-two (42) neighboring properties (see Exhibit A) in accordance with the ordinance. At the time of the hearing no person provided written or oral comment on the ordinance 6-4A-3: Additional Dog Permit for 105 E. Adams St.

**WHEREAS**, at the time of the public hearing held on May 27, 2025, through applicant presentation, the City was advised there are five (5) dogs living at 105 E. Adams St. The oldest dog of the five has been in the family for many years but the age of the dog is unknown. It is assumed the oldest of the five dogs is quite old due to the fact the dog has no teeth remaining, is blind and deaf. In addition to this dog without teeth, two of the five dogs are ten (10) years of age or older. The remaining two (2) other dogs are 6 years and 4 ½ years respectively.

**WHEREAS**, the applicants acknowledge the use of bark collars when they are not present at 105 E. Adams St.

**WHEREAS**, during the May 27, 2025 hearing, the Council learned there have been no complaints regarding the dogs at 105 E. Adams St. and the Mayor read the report of Gallatin County Sheriff's Officer Greydanus into the record, which described acceptable condition of the property, house and having met each dog residing at 105 E. Adams St.

**WHEREAS**, at the May 27, 2025 hearing Sarah Jorgenson informed the Council that one of the five dogs travels with her husband and thus is only present at 105 E. Adams St. from Friday evening until Sunday afternoon weekly. It is presumed that same dog would be present daily if Mr. Jorgenson was at 105 E. Adams St. during vacation periods.

**WHEREAS**, a primary reason for the change in ordinance to establish a maximum number of dogs involved a convoluted, protracted and acrimonious dispute regarding barking dogs, the Council discussed a required condition which would revoke any approval upon the receipt of six barking dog complaints, which would result in the requirement that 105 E. Adams St. only having three (3) dogs present.

**NOW THEREFORE BE IT RESOLVED** that the Three Forks City Council determined that the property at 105 E. Adams may continue to have five dogs present until the death of at least two of the dogs leaving only three dogs present for the following reasons and with the following conditions.

### **Findings:**

1. The five dogs were present at 105 E. Adams St. prior to the enacted restriction limiting the permitted dogs to three with the maximum number of four dogs, if approved by the Council after receipt of an application, notice in compliance with the ordinance and a hearing on the 6-4A-3: Additional Dog Permit application.

## CITY OF THREE FORKS, MONTANA

2. The applicants admitted the previous licensing and kennel license violation of the City's ordinances.
3. Three of the five dogs present at 105 E. Adams St. are of an advanced age being over ten years or older.
4. One of the dogs present at 105 E. Adams St. is only physically present approximately thirty-six hours in a week.
5. The applicants agreed to reduce the number of dogs at 105 E. Adams St. to no more than three upon the death of two of the present dogs and will not replace or acquire any additional dogs in excess of three dogs at 105 E. Adams St.
6. The applicant agreed to continue using bark collars on the dogs when the applicants are not present at 105 E. Adams St.

### Decision and Order:

Based upon the facts set forth in the recitals and the specific findings set forth herein, the Three Forks City Council decides and orders that five dogs may continue to reside at 105 E. Adams St. contrary to 6-4A-3: Additional Dog Permit on the condition, upon the death of any of the five dogs the residents of 105 E. Adams St. shall not replace or increase the number of dogs above three, and in the event that the City receives six complaints about barking dogs at 105 E. Adams St., the number of dogs at 105 E. Adams St. shall immediately be reduced to three and shall there shall be no more than three dogs present at 105 E. Adams St.

Dated this 10<sup>th</sup> day of June 2025.

---

Randy Johnson, Mayor

ATTEST:

---

Crystal Turner, City Clerk