

**CITY OF THREE FORKS, MONTANA**

**ORDINANCE NO. 402-2024**

**AN ORDINANCE AMENDING TITLE 6 POLICE REGULATIONS, CHAPTER 4 ANIMAL CONTROL, ARTICLE A: DOGS, OF THE THREE FORKS CODE TO CLARIFY THE DEFINITION OF A “KENNEL”, ADDING A DEFINITION FOR AN “ADDITIONAL DOG(S) PERMIT” AND “DOGGY DAY CARE”, AND EDIT THE REQUIREMENTS TO OBTAIN A KENNEL AND/OR ADDITIONAL DOG(S) PERMIT**

WHEREAS, since 2013 when the current clerks began tracking kennel license numbers, there have been a total of ten kennel licenses applied for and granted. Six have relinquished these licenses (which will be called permits moving forward) by reducing the number of dogs or moving out of city limits. Four are currently permitted.

WHEREAS, during 2023, the City received several complaints regarding a permitted kennel permit which prompted the Council to examine the existing ordinance.

WHEREAS, the Ordinance Committee held a meeting open to the public on 10/17/2023 at City Hall, which was noticed on the window of City Hall, at the three banks in town, the Post Office and on the City’s website as is the standard process for committee meetings.

WHEREAS, at said Ordinance Committee meeting, it was recommended to better define a kennel by adding terminology for residences with more than a certain number of dogs versus a commercial boarding kennel, to include the pre-inspection process that occurs, and to better describe the revocation process.

WHEREAS, the Committee reported on their recommendation to move forward with amending Chapter 4A of Title 6 at the 11/14/2023 Council meeting.

WHEREAS, pursuant to §7-1-4131, MCA the City Clerk published notice of the public hearings for the first and second readings of this ordinance amendment in the Bozeman Daily Chronicle on 12/23 and 12/30/2023, in the Belgrade News on 12/28/2023 and 1/4/2024, and in the Three Forks Voice on 12/27/2023 and 1/3/2024, as well as posted on the City website, City Facebook page, and around town at various physical locations.

NOW THEREFORE BE IT ORDAINED by the Three Forks City Council that Title 6, Chapter 4A is amended as follows:

**TITLE 6, CHAPTER 4A, SECTION 1 DEFINITIONS:**

**ADDITIONAL DOG(S) PERMIT:** A permit obtained by an occupant of a residential dwelling, after approval by the City Council, for when one harbors more than three (3), but not more than four (4) dogs.

**DOGGY DAY CARE:** A business which keeps/cares for animals for pet owners throughout the day, but not overnight which is not allowed in the city limits.

KENNEL: A commercial business in which one keeps animals for pet owners which includes overnight stays, typically with an exterior fenced property (to prevent dogs getting loose off the property), and interior fenced individual dog runs which may be indoor and/or outdoor, and a larger exercise area. This includes “doggy day cares” which do not house animals overnight which is not allowed in the city limits.

#### **TITLE 6, CHAPTER 4A, SECTION 2: DOG LICENSING REQUIREMENTS:**

A. License Required; Fee; Time For Registration: Every dog over five (5) months of age in the city limits is required to have a license. The annual license fee shall be set via resolution adopted by the city council. The fee shall be for each dog and each dog shall be registered for the calendar year on or before April 15 of each year at the office of the city clerk. (Ord. 359-15, 7-28-2015)

B. Application For License: The owner shall state at the time application is made for such license, his/her name, address, phone number, the dog's name, breed, color, sex, altered status (spay/neuter), and current rabies vaccination certificate or like proof, and no license shall be issued by the clerk without such current rabies vaccination certificate.

C. Term Of Registration: Any dog brought into the city after April 15 and prior to the following April 15, or any dog attaining the age of five (5) months after such date and prior to such date in the succeeding year shall pay the fee and register the dog as provided herein. Such registrations shall expire on December 31 annually.

#### **TITLE 6, CHAPTER 4A, SECTION 3: ADDITIONAL DOG(S) PERMIT:**

A. Limit On Number Of Dogs; Application And Hearing:

1. It is unlawful for any person, family or group of persons in the same dwelling to keep, harbor, or maintain any number more than three (3) dogs over five (5) months of age in or upon any property. (Ord. 244, 1997; amd. 2000 Code). It is 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.
2. Any person, family or group of person in the same dwelling in or upon any property may apply for a permit authorizing the keeping of four (4) dogs. The application form shall be provided by the City and must be accompanied by the applicable fee to be set via resolution adopted by the city council. Submittal of a complete, signed application is an agreement between the applicant and the city to perform an inspection prior to any decision. If the applicant is not the property owner, the application shall include the property owner's signature.
  - a. Said application fee will be used to cover the cost of staff to create and mail notice to the property owners within three hundred feet (300' – the equivalent of one city block), excluding streets and alleys, in any direction from the applicant's property, of the hearing scheduled before the city council to decide on the Additional Dog Permit application. This fee is nonrefundable.
3. This section shall not apply to licensed veterinarian hospitals. It is intended to apply to keeping or maintaining a commercial dog kennel or doggy day cares, and breeding dogs, which are hereby declared to be nuisances, unless an additional dog permit is granted by the city council after application and hearing.

4. Upon receipt of a complete application, the clerk shall schedule the decision at a public meeting before the city council. Such hearing shall be held after investigation of the premises by a city employee or law enforcement, who shall inspect the space the animals will be housed. Such inspection report shall include at a minimum the care/health of the animals, access to outdoor space, whether or not the outside space is fenced, if there are any odors or excess of animal waste, and any dog-related complaints associated with the applicant. The employee/officer may make a recommendation of approval, approval with conditions, or denial to the city council.

B. Permit Required; Fee: An additional dog permit shall be required where the applicant owns, harbors, or keeps more than three (3) dogs, which application shall be authorized or denied based upon the information in the application, provided during the application process and including, but not limited to public comment presented to the city council. The license fee shall be set via resolution adopted by the city council and is good for the calendar year, or any part thereof, expiring on December 31, unless sooner revoked. A permit holder must adhere to any conditions imposed by the city council, and agrees to inspections by law enforcement upon any complaint(s) received, or upon renewal.

C. Annual Renewal: Upon approval of an additional dog permit, said permit must be renewed each calendar year no later than April 15. Such renewal shall include a fee set via resolution adopted by the city council.

D. Revocation Of License: Upon complaint being made and substantiated that an additional dog permit is being operated in an improper manner or violates any of the conditions imposed, the city council may revoke the permit after a proper hearing and notice to the permittee. (Ord. 244, 1997) In the event the permit is revoked, the dog owner shall then have no more than thirty (30) days to remove the animals in excess of the number allowed by law.

E. Violation, Fines: It is unlawful to have more than three (3) dogs harbored or maintained on a premises without a current permit. If, after ninety (90) days of notice of violation of this subsection, more than three (3) dogs remain on the premises, the fine doubles for each dog over the allowance.

#### **TITLE 6, CHAPTER 4A, SECTION 4: TAG AND COLLAR:**

A. Issuance Of Tag: Upon payment of the license fee, the city clerk shall issue to the owner a license certificate and a metallic tag for each dog licensed. The shape of the tag shall change every year and shall have stamped thereon the year for which it was issued.

B. Collar Required: Every owner shall provide each dog with a collar to which the license tag must be affixed, and see that the collar and tag are constantly worn; provided, however, that it shall be lawful to remove such collar and license tag when such dog is under the immediate control of its owner or his/her agent.

C. Duplicate Tag; Fee: In case the tag is lost or destroyed, a duplicate will be issued by the clerk upon payment as set via resolution by the city council. Tags shall not be transferable from one dog to another. (1977 Code § 8.04.030; amd. 2000 Code)

#### **TITLE 6, CHAPTER 4A, SECTION 6: IMPOUNDMENT:**

A. Authority to Impound: It shall be the duty of any city employee or law enforcement to apprehend any dog running at large, or unlicensed, or without collar and license tag, in violation of

any one or more of sections 6-4A-1 through this section to impound such dog at the animal shelter for the county, or other location designated by the city council.

**(Omit) TITLE 6, CHAPTER 4A, SECTION 7: NOTICE TO OWNER; REDEMPTION:**

**(Omit) TITLE 6, CHAPTER 4A, SECTION 8: DISPOSITION OF UNCLAIMED DOGS:**


*(The above sections being removed, the next section would now be 6-4A-7, and subsequent chapters renumbered, and cross references amended, as necessary.)*

**TITLE 6, CHAPTER 4A, SECTION 7: NUISANCE DOGS:**

No owner shall keep a dog, whether running at large or not, which shall cause annoyance or disturbance by prolonged or repeating barking, howling, or yelping, by chasing motor vehicles or human beings, or repeatedly damaging or destroying the flowers, plants, lawn, shrubbery, or trees of a neighborhood or of a citizen. Any owner keeping such a nuisance dog in violation of this section shall be punished as set forth in section the PENALTY section of this article.

SAVE AND EXCEPT for the amendments described herein, the remaining provisions of this Title, Chapter, and Sections are hereby confirmed and ratified as adopted.

**1<sup>st</sup> Reading and Approval:** DATED this 9<sup>th</sup> day of January 2024.

  
\_\_\_\_\_  
Mayor Randy Johnston

  
\_\_\_\_\_  
Attest: Crystal Turner, City Clerk

**2<sup>nd</sup> Reading and Approval:** DATED this 13<sup>th</sup> day of February 2024.

  
\_\_\_\_\_  
Mayor Randy Johnston

  
\_\_\_\_\_  
Attest: Crystal Turner, City Clerk