

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MISSOULA COUNTY ESTABLISHING A PROCESS FOR PRIVATE LANDOWNERS TO CAPTURE ABANDONED HORSES ON THEIR PROPERTY, REQUEST DEPARTMENT OF LIVESTOCK INSPECTION, AND GUIDE TRANSFER THROUGH APPROVED PRIVATE, NONPROFIT OR DEPARTMENT OF LIVESTOCK CHANNELS.

WHEREAS, pursuant to Montana Code Annotated (MCA) Title 7, including § 7-1-2101, the County possesses general police powers to protect public health, safety, and welfare;

WHEREAS, pursuant to MCA Title 81, Chapter 4, Part 5 (Abandoned Animals), the Department of Livestock has statutory mechanisms to identify and remove abandoned horses, including impoundment, notice, and sale;

WHEREAS, pursuant to Chapters and Parts of MCA Title 87 (Fish and Wildlife), abandoned horses are not considered wildlife and are not managed under the authority of the Department of Fish, Wildlife and Parks;

WHEREAS, certain bands of horses have roamed private property within the county outside Missoula city limits and in developed residential neighborhoods for decades without an identifiable owner;

WHEREAS, in recent years, abandoned horses have become habituated to living within the Missoula city limits and developed residential neighborhoods, have presented challenges for management, constitute a nuisance, and present public safety hazards, including threats to motorists, property damage, and risks to human safety;

WHEREAS, the County seeks to provide a humane, lawful and coordinated process for private landowners to assist the County in mitigating these risks by providing guidance on capturing abandoned horses, obtaining Department of Livestock inspection, and guiding transfer through approved private, nonprofit, or Department of Livestock channels.

SECTION 1. PURPOSE AND FINDINGS.

The purpose of this Resolution is to establish a process for private landowners to capture abandoned horses located on their property, request Department of Livestock inspection to confirm the horses are not owned, and guide transfer of horses through approved channels. This Resolution aims to promote public safety, humane treatment of animals, and responsible management.

SECTION 2. DEFINITIONS.

(1) "Abandoned Horses" means one or more horses that (a) have been intentionally or effectively abandoned or are part of a long-standing unmanaged band without an identified

owner; (b) routinely occupy or traverse private lands without permission; and (c) pose public safety hazards or cause recurring damage.

(2) This Resolution applies only to Abandoned Horses. It does not apply to stray livestock regulated under MCA Title 81, Chapter 4, Part 6.

SECTION 3. NOTICE AND AUTHORIZATION FOR CAPTURE.

(1) No private landowner shall capture, corral, contain or otherwise restrain Abandoned Horses under this Resolution without first notifying the County-designated official (Official) and receiving authorization. Contact information for the Official shall be published and maintained by the County.

(2) The Official may establish review criteria or other requirements as necessary for landowners to demonstrate they have the appropriate means to safely and humanely capture and hold abandoned horses prior to authorization.

SECTION 4. CONDITIONS FOR CAPTURE.

(1) The private landowner must notify the Official and receive authorization prior to attempting to capture abandoned horses.

(2) The private landowner must coordinate with the Department of Livestock to arrange for inspection as soon as possible after an abandoned horse is captured and secured.

(3) The private landowner must notify both the County Official and Department of Livestock immediately upon successfully capturing an abandoned horse.

(4) An abandoned horse may not be transported or transferred prior to Department of Livestock inspection.

(5) Humane handling practices shall be followed at all times.

SECTION 5. DEPARTMENT OF LIVESTOCK INSPECTION AND EXAMINATION.

(1) Following private landowner notification, the Department of Livestock shall conduct a brand inspection and determine whether horses are abandoned and unowned. Horses determined to be owned or stray shall be handled by the Department pursuant to applicable authority. Horses confirmed to be abandoned shall be eligible for disposition under Section 6.

(2) Sick, diseased or injured abandoned horses encountered during capture must be immediately reported to the Department of Livestock for guidance, assessment and potential treatment – to include humane euthanasia if deemed necessary.

(3) The Department of Livestock may require that a licensed veterinarian or other trained professional conduct an examination and any associated tests or laboratory work required to assess the health and physical condition of an abandoned horse. Examination and testing costs shall be covered by the landowner.

(4) Examination and test results requiring further medical care or treatment, along with associated costs, will be the responsibility of the landowner and required prior to disposition as outlined under Section 6.

SECTION 6. APPROVED DISPOSITION METHODS.

Once the Department of Livestock has conducted necessary inspections and examinations and confirms the horses are not owned, the private landowner may choose one of the following disposition methods:

- (1) Transfer to an approved 501(c)(3) organization willing to accept the horses.
- (2) Placement with a private owner selected by the landowner, provided the accepting owner signs a County-issued certification affirming responsibility for the health and welfare of the horse and agreement to brand the horse pursuant to Department of Livestock guidelines. A copy of the certification shall be provided to both the County and the Department of Livestock.
- (3) Retention of the horse by the private landowner, provided the landowner signs the certification required in subsection (2).
- (4) Transfer of the horse(s) to the Department of Livestock at the landowner's request for disposition under the authority of the Department of Livestock, including sale.

SECTION 7. COSTS AND FUNDING.

Private landowners are responsible for all on-site costs associated with capture, handling and transport of abandoned horses. The County may seek grants, donations or other funding sources to support disposition efforts.

SECTION 9. LIABILITY AND INSURANCE.

- (1) Private landowners operating under this Resolution act under County guidance but at their own risk and are encouraged to carry appropriate insurance.
- (2) The County assumes no liability for actions taken by private landowners or their agents under this Resolution.

SECTION 10. ENFORCEMENT AND COMPLIANCE.

Failure to comply with the conditions of this Resolution may result in civil remedies authorized under MCA Title 7.

SECTION 12. PROGRAM ADMINISTRATION.

The County shall designate and publish the contact information of an Official responsible for providing information to private landowners, to include agency and partner contact information and required documentation and forms.

The Missoula County Sherriff's Department shall be responsible for the County's role in implementation of the processes outlined in this resolution. Those responsibilities include providing information to private landowners, assessment of private landowners means to capture, and the development of necessary forms and/or processes for record keeping.

SECTION 13. SEVERABILITY AND EFFECTIVE DATE.

If any portion of this Resolution is found invalid, the remainder shall remain effective. This Resolution is effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2026.

BOARD OF COUNTY COMMISSIONERS

MISSOULA COUNTY, MONTANA

Chair

ATTEST:

Clerk & Recorder