

TOWN OF HINGHAM

BOX 69

HINGHAM, MONTANA 59528

May 12, 1994

RESOLUTION 133

Whereas, it has been determined that Hingham has a need for animal control, and

Whereas, as an incorporated town Hingham has the authority to adopt an animal control ordinance, and

Whereas, Hill County has adopted an animal control ordinance that the Hingham Town Council has reviewed and finds acceptable,

Be it resolved that the attached Hill County animal control ordinance be adopted for animal control within the town limits of Hingham.

Elizabeth Karsberg
MAYOR 7-14-94

Ann Warren
CLERK

The Town of Hingham will adopt the
Hill County animal control ordinance and
once enacted a fine system will be in place.
Bob - Lowell

A RESOLUTION BY THE BOARD OF HILL COUNTY
COMMISSIONERS AMENDING THE DOG REGISTRATION
AND CONTROL ORDINANCE FOR HILL COUNTY, MONTANA

WHEREAS, The Board of Hill County Commissioners are concerned with the need for control, immunization and licensing of dogs within Hill County, and

WHEREAS, it appears that an Ordinance setting forth the registration and control of dogs within Hill County is in the best interest of the health and safety of the Public.

NOW, THEREFORE, BE IT RESOLVED, That the following Dog Registration and Control Ordinance for Hill County, Montana, shall be established:

Section 1

DEFINITION OF TERMS: As used in this document, unless the context otherwise indicates,

- (a) "Dog" shall be intended to mean both male and female.
- (b) "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring a dog.
- (c) "At large" shall be intended to mean off the premises of the owner, and not under the immediate control of the owner or a member of his immediate family.
- (d) "VICIOUS DOG" It is defined as one that bites or attempts to bite any human being without provocation or which harasses, chases, bites, or attempts to bite, or kills any other animal. The term animal includes all livestock and any other domestic pet of any kind or nature.

Section 2

REGISTRATION AND VACCINATION REQUIRED: All dogs kept, harbored, or maintained in the County shall be vaccinated and registered as herein provided on or before the 1st day of March of each year. Registration tags shall be issued by the Hill County Treasurer upon proof of vaccination for rabies within six (6) months immediately prior to the time such registration is applied for and upon payment of a registration fee of Two Dollars (\$2.00) for a spayed female or neutered male and Five Dollars (\$5.00) for an unspayed female or unneutered male. The owner shall state at the time of application for registration and upon

printed forms provided for such purpose his name, address and the name, breed, color, and sex of each dog owned or kept by him; such owners shall first display a certificate of vaccination from a registered, licensed, and practicing veterinarian after which the Hill County Treasurer shall issue the registration tag upon payment of the registration fee hereinbefore set forth.

The provisions of this Section shall not be intended to apply to dogs whose owners are non-residents temporarily within the County nor to dogs brought into the County for the purpose of participating in any dog show nor to "seeing-eye dogs" properly trained to assist blind persons when such dogs are actually being used for the purpose of aiding them in going from place to place.

Section 3

TAG AND COLLAR: Upon receipt of a proper application, proof of vaccination, and license fee, the County Treasurer or license agent shall issue to the applicant a license certificate and metallic tag. The tag shall be stamped with the number corresponding with the number on the certificate. Every owner is required to provide each dog with a substantial collar, to which the license tag shall be affixed at all times. Any dog found off the owner's premises without a license tag shall be deemed to be not licensed, even though a license has been issued for such dog. In the event that a dog tag is lost or destroyed, a duplicate shall be issued by the County Treasurer, upon presentation of an affidavit to that effect, a receipt or duplicate receipt showing payment of the license fee, the payment of a fee of Fifty Cents (\$.50) for such duplicate. License tags are not transferable from one dog to another and it shall be unlawful for any person to cause or permit a license tag to be placed upon a dog for which it was not issued. Any dog found with a license tag issued for another dog shall be deemed to be not licensed. No refunds shall be made on any dog license fee because of the death of the dog or the owner leaving the County before expiration of the license period.

Section 4

DOGS RUNNING AT LARGE: No owner or keeper of any dog shall permit such dog to run at large at any time within Hill County, whether such dog be registered or unregistered.

Section 5

IMPOUNDING: It shall be the duty of every sheriff's deputy and/or poundmaster to apprehend any dog found running at large contrary to the provisions of this document and to impound such dog in the County pound or other suitable place. The Sheriff upon receiving any dog shall make a complete registry, entering the breed, color and sex of such dog and the number of the registration tag, if known.

Section 6

NOTICE AND REDEMPTION: It is hereby declared the duty of every owner of any dog or animal to know its whereabouts at all times. In the event that any dog or other animal is impounded the owner shall redeem the same within ninety-six (96) hours without any formal notice or it shall be subject to disposal by the Poundmaster as hereinafter provided. The owner of any impounded dog or other animal may redeem the same within such period of time by paying an impounding fee of Ten Dollars (\$10.00) plus Two Dollars (\$2.00) for his keeping for each twenty-four (24) hour period or part thereof, that it is impounded. Any unlicensed dog that is impounded may only be redeemed by the owner procuring a license, in addition to paying the fees herein prescribed. The Poundmaster may issue a ticket to the person redeeming any dog or other animal impounded for violation of any provision of this document and file a complaint in the Justice Court.

Section 7

DISPOSITION OF UNCLAIMED OR INFECTED DOGS: It shall be the duty of the Sheriff and/or Poundmaster to keep all dogs so impounded for a period of four (4) days. Any unregistered dog required by law to be registered, or any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but may be forthwith destroyed or disposed of.

Section 8

CONFINEMENT OF CERTAIN DOGS: No dogs of fierce, dangerous or vicious propensities and no female in heat shall be released from confinement except upon approval of the Sheriff after payment of the fees provided for in this document. Provided, however, that if any dangerous, fierce or vicious dog is found running at large and cannot be safely taken up and impounded, such dog may be slain by any law enforcement officers.

Section 9

RABIES: NOTICE: If any dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or by a chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner of the dog for a period of two (2) weeks. The owner shall notify the Sheriff of the fact that his dog has been exposed to rabies and at his discretion the Sheriff is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two (2) weeks at the expense of the owner.

It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his premises or outside of Hill County without the written permission of the Sheriff. Every owner, or other person, upon ascertaining a dog is rabid shall immediately notify the Sheriff or a law enforcement officer who shall either remove the dog to the pound or summarily destroy it.

Section 10

OWNERSHIP: Any person shall be considered the owner of a dog, who shall harbor or let the same habitually remain or be fed in or about his house, store or enclosure, and it shall be the duty of every person to register any such animal with the Collector of Dog Taxes, and pay the tax or license thereon as provided in this document.

Section 11

POUNDMASTER APPOINTED: The Commission shall provide for the method of obtaining and hiring a Poundmaster and shall provide for his salary and shall fix the amount of the salary from time to time.

Section 12

DISPOSITION OF FEES: All moneys received by the Collector for registration fees shall be paid over to the Treasurer at the end of each month, and kept by the Treasurer in the general fund, against which fund all orders for costs, charges and expenses incurred under this document must be drawn and charged.

Section 13

REMOVAL OF CHECK: COUNTERFEIT CHECK: The unauthorized removal of any metallic check hereinbefore mentioned from any dog shall constitute a misdemeanor.

7-5-10
If any person shall place upon the collar or around the neck of any such animal any counterfeit of the metallic check without the license for keeping such animal first having been paid, he shall be deemed guilty of a misdemeanor.

Section 13A

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NUISANCE ANIMALS: It is hereby declared a public nuisance for any dog or other animal to destroy property other ANIMALS OR pets, to bite, or chase after persons not trespassing on the property of, or injuring or attempting to injure the person, family or property of the owner, to chase vehicles in public streets or ways, or by prolonged howling, yelping or barking cause annoyance or disturbance to any person. Any such nuisance animal may be taken up and impounded by the Poundmaster. It is unlawful for any person to own, harbor, keep or maintain any such nuisance animal and it shall be the duty of the Poundmaster and all law enforcement officers to issue tickets and file complaints for all such violations occurring in their presence. Any person aggrieved by a nuisance animal may file a complaint in the Justice Court, charging the owner with the violation of this Section, where the offense is not committed in the presence of the Poundmaster or a law enforcement officer. Upon a third conviction under this Section, the nuisance animal may be seized by the Poundmaster and killed.

Section 14

VICIOUS DOGS: It shall be unlawful for any person to own, keep or harbor any vicious dog, male or female, licensed or unlicensed as defined above, that bites or attempts to bite or attack any person or who harasses, chases, bites or attempts to bite or kill any other animal without provocation, who is not trespassing upon the vicious dog owner's property. A dog found to be a vicious dog in a proceeding conducted under Section 15, shall be destroyed.

Section 15

WHEN PERSON BITTEN BY DOG: Whenever affidavit shall be made before a Justice of the Peace that any dog has bitten a person in said County and that the person so bitten was not at the time trespassing or injuring the person or property of the owner or possessor of said dog, or the dog is a vicious dog as provided in Section 14 herein, the Justice of the Peace shall issue an order directing the owner or possessor of said dog to appear and show cause why such dog shall not be killed. The owner or possessor who shall refuse or neglect to kill said dog within twenty-four (24)

hours after an order is made shall be guilty of violating this document and it shall be the duty of the Poundmaster to kill said dog. An owner who violates Section 14 or 15 shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not to exceed \$50.00 or be imprisoned in the County jail for a term not to exceed one (1) day, or both.

PENALTIES: Any owner found violating any provision of this document, other than Sections 14 and 15, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Three Dollars (\$3.00) for such offense.

DATED AND PASSED FOR FINAL ADOPTION This 1st day of June, A.D., 1982, at Havre, Montana.

Ed. Brown
HILL COUNTY COMMISSIONER

Arthur Bambo
HILL COUNTY COMMISSIONER

A. B. Hagener
HILL COUNTY COMMISSIONER
Board of County Commissioners
Hill County, Montana

(seal)

ATTEST:

A. M. Lewis
CLERK AND RECORDER