

TITLE VIII - ANIMALS IN TOWN

Chapter 1

ANIMAL CONTROL

SECTION:

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8-1-1: ADMINISTRATION:

(1) Enforcement Officers: All references to police officers, sheriff's office, or animal control officer shall mean such officers as shall be employed or contracted by Treasure County and/or the Town of Hysham to enforce the laws of the Town whether direct employees or officers of any law enforcement agency providing said service or assisting with said service.

(2) Powers: The County Sheriff, the undersheriff, deputies, reserve deputies, or any other person lawfully appointed and employed by Treasure County and/or the Town of Hysham for the purpose of enforcing this article, is empowered to take up and seize all animals in violation of this article and may pursue such animals onto private property if a violation occurs in the presence of said officer; further, such officers may enter upon any private property in pursuit of an animal suspected of being infected with rabies or in an effort to apprehend any animal directed by order of a court to seize.

8-1-2: INVESTIGATION:

(1) For the purpose of enforcing the provisions of this title, any law enforcement officer is empowered to demand from the occupants of any premises, upon or in which a dog or other animal is kept or harbored, the exhibition of such dog or other animal, and the proof of vaccination for the animal.

(2) Whenever complaint has been made that an animal is kept in a reportedly cruel or inhumane manner, the law enforcement officer may examine such animal and take possession of the same when, in his opinion, it requires human treatment.

8-1-3: POSSESSOR AND HARBORER DEFINED: Any person who shall permit a dog or cat to remain upon or about his/her premises for the time of fifteen (15) days shall be deemed a possessor or harborer of said animal and for all purposes herein shall be treated as the owner of said animal.

8-1-4: VACCINATION REQUIRED: The owner, harborer or possessor of any dog or cat within the Town limits must have such animal vaccinated for rabies as soon as the animal is of age to receive such vaccination, and keep such animal up-to-date with subsequent rabies vaccinations thereafter. An owner, harborer, or possessor of any dog or cat who fails to abide by this ordinance and is not able to present proof of vaccination shall be guilty of a misdemeanor and shall be subject to a fine of \$75.00. ** this section was revised and effective as of May 12, 2023.*

8-1-5: ANIMALS CREATING NUISANCE:

(1) It is declared a public nuisance for a dog or other animal to destroy or damage property, hurt other pets, or to bite or chase after persons not trespassing on the property of the animal's owner.

(2) It is declared a public nuisance for a dog or other animal to cause annoyance or disturbance to any person by prolonged howling, yelping or barking.

(3) It is unlawful for any owner of an animal to willfully or through willful neglect, to permit such animal to cause any nuisance specified in this section.

(4) Any person convicted of violating this section shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for up to six (6) months, or both. The nuisance animal may be seized and taken up by any law enforcement officer and put to death per court of the court. ** this section was revised and effective as of May 12, 2023.*

8-1-6: RUNNING AT LARGE:

(1) Definition: "At Large" means off the premises of the owner, harborer or possessor and not then and there restrained by leash, cord, chain or otherwise under immediate control.

(2) Liability: It is declared to be the public policy of the town council that no dog be off the premises of its owner, harborer or possessor at any time, unless leashed or otherwise controlled and that the owner, harborer or possessor shall be held strictly liable therefore, regardless of the circumstances which may contribute to or result in the violation.

(3) Violation: If any animal is found running at large within the Town limits, the owner, harborer or possessor of such animal shall be guilty of violation of this article. It is no defense to a charge under this section that the owner, harborer or possessor of such animal was unaware the animal was at large or that such animal was released from the owner's premises by an overt act, error or omission on the part of any person.

(4) Impoundment: Any dog or other animal running at large may be seized and impounded by the law enforcement authority or other officer or official designated by the city council, and a complaint may be filed in the city court charging the violation.

8-1-7: SEIZURE AND IMPOUNDING OF ANIMALS:

(1) Any animal which has created a nuisance described in Section 8-1-5 may be impounded by a law enforcement officer.

(2) All dogs or other animals impounded under this section shall be quarantined at the animal shelter or at a veterinarian hospital for the period and under the same conditions as animals exposed to rabies.

8-1-8: NOTICE OF IMPOUNDMENT—REDEMPTION:

(1) The impounding official shall give notice of impoundment of any animal by causing personal service of the owner, or some responsible person at the owner's residence or place of business. If such person cannot be found, notice shall be given by detention of the animal and by posting the information of impoundment in two separate places in the Town.

(2) The owner must redeem the impounded animal within five days after the giving of notice, or it shall be deemed abandoned and subject to disposal or rehoming by the animal shelter, veterinarian hospital, or any law enforcement officer, as provided in the following section. The owner of any impounded dog or other animal may not regain possession of the animal until he has paid boarding cost for the time the animal is impounded. Furthermore, if the dog or animal is euthanized, the owner must pay the boarding costs for the time the animal was impounded as well as the cost to euthanize.

(3) Any law enforcement officer may issue a ticket or notice to appear in court to the person redeeming any dog or other animal impounded for violation of any provision of this title, and file a complaint in the city court.

8-1-9: DISPOSITION OF UNREDEEMED ANIMALS: The refusal or failure of the owner of any such impounded animal to pay the charges within five days of notification shall be held to be an abandonment of the animal by the owner. The animal may then be offered for sale or give away with approval of law enforcement. The sale and certificate of sale approved by law enforcement shall confer title and ownership to the dog or other animal, free of all claims and interest of the previous owner. In the event that any impounded dog or other animal is not redeemed by the owner or rehomed, it may be disposed of by any law enforcement officer, in a humane manner. Any impounded dog or other animal suffering from an infectious disease shall not be released, but must be put to death, unless the law enforcement officer shall otherwise order.

8-1-10: ALTERNATIVE TO DEATH OF ANIMAL—REMOVAL OF ANIMAL FROM TOWN: Whenever an animal is to be put to death under this chapter, except for an infection with rabies, the owner or other person may apply to the city court for permission to remove the animal permanently from the Town. Upon such person's filing with the court his written agreement to remove the animal from the Town and be responsible for its remaining out permanently, the city judge may, in its discretion, make an order allowing the animal to be removed from the Town instead of being put to death.

8-1-11: ANIMAL WASTE: The owner or custodian of an animal is responsible for the immediate removal of any excreta deposited by his/her animal on any public walk, park, boulevard, street, recreation area or other public right of way, or any private property outside the owner's or custodian's own property. A written complaint must be received before the matter shall be prosecuted.

8-1-12: PROHIBITED AND UNLAWFUL ACTS:

(1) Interference With Enforcement Officer: It is unlawful for any person to prevent, hinder, or detain any law enforcement officer in the performance of any duty or power imposed on such officer by this title, or to release, or attempt to release any animal in the custody of any law enforcement or Town official.

(2) Cause Or Permit To Escape: It is unlawful for any person to knowingly cause or permit any animal to escape confinement against the wishes of the owner.

(3) Provoke, Harangue, Tease Or Torment: It is unlawful for any person to provoke, harangue, tease, torment or in any way disturb a dog or other animal with the intent to cause it to bark or attack any person.

8-1-13: PENALTY: Unless otherwise specified, any person convicted of violating a provision of this chapter shall be punished by a fine not exceeding five hundred dollars (\$500.00).

**Title VIII Animals in Town
Chapter 2**

LIVESTOCK

SECTION:

- 8-2-1: Restriction of Certain Animals Within Town**
- 8-2-2: Herding or Running at Large Declared Nuisance**
- 8-2-3: Female Chickens Within Town Limits**
- 8-2-4: Variance Allowed**
- 8-2-5: Penalty for this Chapter**

8-2-1: RESTRICTION OF CERTAIN ANIMALS WITHIN TOWN LIMITS: No person, firm, association or company shall allow, suffer, or permit any horse, colt, mule, donkey, cow, calf, cattle, sheep, goat, swine, rooster, duck, geese to be kept, maintained, corralled, penned, caged, barned, housed, tethered, hobbled or tied on any real property within the territorial limits of the Town of Hysham; but this ordinance shall not apply to any person who shall have such animal so constrained upon any truck or trailer or other vehicle ordinarily and commonly used in the transportation of such animal and such person in transporting such animal across the territorial limits of the Town of Hysham.

8-2-2: HERDING OR RUNNING AT LARGE DECLARED NUISANCE: The herding or running at large of horses, colts, mules, cattle, calves, swine, sheep, goats or such other animals upon the streets or avenues, alleys, parks or public grounds within the Town, or private grounds within said Town, unless such animal or animals are under the control of some discrete person, is hereby prohibited, and declared to be a nuisance.

8-2-3: FEMALE CHICKENS WITHIN TOWN LIMITS: Up to **ten (10)** chicken hens (female *Gallus gallus domesticus*) may be kept on a premise, within the boundaries of the Town of Hysham, subject to the following requirements and subject to all other applicable provisions of the Town of Hysham Ordinances:

- (1) The chicken hens must be kept on a single-family parcel(s). Chicken hens are prohibited on any multi-dwelling parcel(s).
- (2) The chicken hens shall be provided with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chicken hens, designed to be easily accessed, cleaned and maintained by the owners, be at least 2 square feet per chicken hen in size and the coop and enclosure cannot be more than twelve (12) feet at its peak in height.
- (3) No chicken house, outdoor chicken enclosure, or chicken hen shall at any time be located closer than 10 feet to any public right-of-way, sidewalk, or neighboring property line other than the chicken owner, custodian, or keeper.
- (4) The chicken hens shall be shut into the chicken house at night, from sunset to sunrise.

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(5) During the daylight hours the adult chicken hens shall have access to the chicken house and, weather permitting, shall have access to an outdoor enclosure on the subject property, adequately fenced to contain the chicken hens and to prevent access to the chicken hens by predators.

(6) Stored feed must be kept in a rodent and predator-proof container.

(7) It is unlawful for the owner, custodian, or keeper of any chicken hen to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure and/or noise of a loud and persistent and habitual nature.

(8) No chicken hen(s) shall be allowed to run at large in the town. No owner or keeper shall allow or permit any chicken hen(s) found to be running at large in the town or on private property in violation of this section is a public nuisance and shall be dealt as a public nuisance.

(9) No chicken house or chicken enclosure shall be located in the front yard.

(10) No chicken hen(s) shall be slaughtered within view of the adjacent property or the public.

(11) Changes to the standards contained in this ordinance shall require any owner or keeper of chicken hen(s) to comply with any new standard, regulation, or condition and no notice to a keeper or owner is required prior to enforcement of any new standard beyond that required for adoption of a new or revised ordinance.

8-2-4: VARIANCE ALLOWED: The Town Council may grant a variance to this chapter up to a period of one year.

8-2-5: PENALTY: Any person convicted of violating a provision of this chapter shall be punished by a fine not exceeding five hundred dollars (\$500.00).