

**ORDINANCE NO. 2018-11**

**AN ORDINANCE AMENDING HARDIN CITY CODE  
REGARDING DANGEROUS ANIMALS**

**WHEREAS**, the City of Hardin desires to modify and change the City Code of Hardin, Montana in the interest of public health and safety regarding dangerous animals, animal bites, and animal attacks;

**WHEREAS**, the City of Hardin has seen an increase in reported animal bites and dangerous animals;

**WHEREAS**, the City of Hardin has the authority to regulate animals in the City of Hardin pursuant to Mont. Code Ann. § 7-23-101 et seq. (2017) and § 7-23-4101 et seq.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA**, Title 6, Chapter 2, Section 5 is amended as follows:

1. Section 6-2-5 is amended by striking the existing language of Subsection C, and inserting the following as Subsection C:

**C. DANGEROUS ANIMALS:**

1. "Dangerous Animal" in addition to the definition of Dangerous Dog or Cat in Section 6-2-1, means any animal that in the absence of intentional provocation:

- (i) Inflicts bodily injury to a person on public or private property; or
- (ii) While on the owner's and/or keeper's property causes bodily injury to a person; or
- (iii) While off the owner's and/or keeper's property kills a domestic animal, excluding birds, rodents and reptiles; or
- (iv) Is involved in a continuous sustained attack upon a person, not allowing the victim any means of escape, regardless of the extent of injury or defensive action required; or
- (v) Is previously convicted of potentially dangerous animal and while on or off the owner's and/or keepers property chases or approaches a person in a menacing fashion or apparent attitude of attack by charging, growling, snapping, raising hackles, harassing, chasing, attempting to bite or stalking; or inflicts bodily injury to a person or small animal; or
- (vi) Inflicts injury to a person on public or private property, which injury results in the death of the person.

These definitions do not apply to animals used in military or law enforcement work while they are actually performing in that capacity.

2. Any owner and/or person who keeps, feeds, harbors or allows to stay about the premises occupied or controlled by him/her within the city any animals found to be a Dangerous Animal is guilty of maintaining a public nuisance and is guilty of misdemeanor, punishable by up to 6 months in the county jail, a five hundred dollar (\$500.00) fine, or both.

An animal is presumed to be a Dangerous Animal if it has demonstrated any of the behaviors set forth in section 6-2-5(C)1. Such presumption is rebuttable. Upon conviction of maintaining a public nuisance with a Dangerous Animal, euthanasia of the animal may be ordered by the court. The court shall order euthanasia of an animal involved in a fatal attack on a person. Euthanasia may be ordered

even if an owner is unable to be notified if due diligence is used to locate an owner or keeper.

If the same animal is involved in a second offense, euthanasia of the animal is mandatory.

If euthanasia is not ordered after first offense conviction, the court shall order that an identifying microchip be implanted by a licensed veterinarian at the owner's expense, identifying the animal as a Dangerous Animal. After implantation of the identifying microchip, the animal must be kept in a fully enclosed area unless on a leash with a muzzle. The owner or keeper of the Dangerous Animal must keep Hardin City Animal Control notified of the animal's address and any changes in address. The owner or keeper must also notify Hardin City Animal Control of any change of ownership. Any new owner or keeper shall be fully responsible for the Dangerous Animal, just as previous the owner or keeper. If after first conviction, the animal is impounded for any other reason such as a running at large, the court may order the animal to be euthanized.

3. Upon report of a Dangerous Animal, the Big Horn County Sheriff's Office, Hardin City Animal Control Officer, or any other law enforcement agency may impound and quarantine the dangerous animal involved pursuant to this ordinance, and in accordance with ARM 32.3.1204. The owner shall be liable for any impoundment fees, regardless if the animal is released or euthanized.
4. This is an absolute liability offense, a mental state is not necessary for conviction.
5. Upon petition of victim(s), prosecuting attorney or law enforcement, the court shall consider euthanasia of Dangerous Animal for a first offense.
6. Law enforcement must notify local health officials of any biting incident, in order that procedures of ARM 37.114.571 may be followed.

**DATE OF EFFECT.**

The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.

**FIRST READING AND PASSAGE** By a majority vote of the members present this 21 day of August, 2018.

YEAS 5

NAYS 0



Mayor

ATTEST:

City Clerk

*[Handwritten Signature]*  
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*[Handwritten Signature]*  
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POSTED AND MADE AVAILABLE TO THE PUBLIC this 23<sup>rd</sup> day of August, 2018.

Michelle S. Dyckman  
City Clerk

SECOND READING AND PASSAGE By a majority vote of the members present this 4<sup>th</sup> day of September, 2018.

YEAS 5

NAYS 0



Jeff Russell  
Mayor

ATTEST:

Michelle Dyckman  
City Clerk

COPIED AND MADE AVAILABLE TO THE PUBLIC BY THE

2018

[Signature]  
City Clerk

RECORD READING AND PASSAGE BY A majority vote of the members

present the 17 day of February 2018

YEAS 0 NAYS 0

[Signature]  
Mayor

ATTEST

[Signature]  
City Clerk

