

## **ORDINANCE # 924**

**AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA, TO AMEND THE MUNICIPAL CODE PERTAINING TO LIVESTOCK AND ANIMALS AS GOVERNED IN TITLE 4 - PUBLIC HEALTH AND SAFETY, CHAPTER 1 - NUISANCES, AND TITLE 5 – POLICE REGULATIONS, CHAPTER 5 – ANIMAL CONTROL.**

**WHEREAS:** The City Council acknowledges that the existing Municipal Code identifies the keeping of Chickens within the City to be a nuisance; and

**WHEREAS:** The City Council acknowledges that the existing Municipal Code prohibits the keeping of Chickens within the City; and

**WHEREAS:** The City Council desires to permit the keeping of Chickens specific to educational purposes within the City on a limited basis and subject to certain stipulations; and

**WHEREAS:** The City Council desires to amend certain aspects and sections of the Municipal Code as it applies to the keeping of Chickens within the City.

**NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA.

**1. Title 4 - Public Health and Safety, Chapter 1 - Nuisances, Section 22 – Livestock and Fowl** of the Red Lodge City Municipal Code are hereby amended, and approved as noted below:

Livestock inclusive of Fowl, not in compliance with City Codes on any premise except as further defined herein below is a public nuisance. In addition, the following regulations apply to livestock and fowl:

**A. Livestock and Fowl:** It is a nuisance for any hogs, cattle, sheep, swine, goats, chickens, turkeys, ducks, geese, or other domestic livestock or fowl to be kept within the City of Red Lodge; and any such livestock or fowl so kept shall constitute a violation of this Code. Household pets, as well as, horses and mules shall not be considered to be a nuisance within the City of Red Lodge. For the purpose of this Code, Chickens shall not be considered as a type of household pet.

1. Notwithstanding the aforementioned, Chickens may be kept within the limits of the City of Red Lodge as follows:
  - a. For educational purposes only; and

- b. On lands owned by the City, whether or not subject to a lease of such lands; and
- c. On land with a minimum parcel size of 15 acres; and
- d. With a Management Plan acceptable to the City as adopted by Resolution.

**B. Fencing and Area Regulations:** This Section shall not pertain to the keeping of Chickens. Chickens shall be regulated and permitted as provided for in Title 4 - Public Health and Safety, Chapter 1 - Nuisances, Section 22 – A of the Red Lodge City Municipal Code. It shall be unlawful for any person to keep or maintain any horses, mules, or foals within a radius of fifty (50) feet of any dwelling or business house other than that occupied by the person owning said horses, mules, or foals, and it shall be unlawful for any person to keep or maintain any stable, barn, or feeding area for any horses, mules, or foals within a radius of one hundred (100) feet of any dwelling or business house other than that occupied by the person owning such horses, mules, or foals and desiring to maintain a stable, barn, or lot area. The area provided for in this section and maintained by the owners of any horses, mules, or foals for pasture or stabling purposes within the City must be completely enclosed by a legal fence as defined in MCA § 81-4-101.. In addition to the fences specifically described in said section, a two-pole fence constructed in such a manner that it will contain horses, mules and foals shall be considered a legal fence for the purpose of this chapter. It shall be unlawful for any person, firm, or corporation to keep any horse, mule, or foal within the City limits that cannot be confined in an enclosure meeting the requirements of a legal fence as set forth in this section.

**C. Offensive Premises for Keeping Livestock and Fowl:**

Anyone who shall, within the limits of the City of Red Lodge, keep or maintain any coop, pen, enclosure, stable, or building for horses, mules, foals or any other animal in such a filthy or unsanitary condition so as to be offensive to neighbors or other persons or injurious to the health of the neighborhood or of the animals themselves shall be guilty of maintaining a nuisance and in violation of this code.

**2. Title 5 – Police Regulations, Chapter 5 – Animal Control, Article A. – Animals** of the Red Lodge City Municipal Code are hereby amended and approved as noted below:

**Article A. Animals**

**5-5A-1 Responsibility of Owner.**

It shall be the duty of every person owning or keeping domestic animals within the limits of the City, to provide for the keeping of the same within or upon his/her premises at all times, save when necessarily or temporarily passing through the streets, and then such animals must be attended by someone to take care of them and prevent their doing damage to person or property.

### **5-5A-2 Running at Large.**

**A. Riding, Leading, Herding or Running at Large Prohibited:** The riding, leading, herding, or running at large of horses, cattle, mules, sheep, llamas, alpacas, bison, goats, or swine upon the City streets, avenues, alleys, parks, or public places or grounds within the City is hereby prohibited and declared to be a nuisance except that such animals may be led or ridden by a person capable of handling such animal within the City over public streets or alleys, and in organized parades.

**B. Keeping Within the City Limits Prohibited:** It is hereby made and declared unlawful and a nuisance for any hogs, cattle, sheep, swine, goats, chickens, turkeys, ducks, geese, or other domestic fowl, to be kept within the City of Red Lodge; and any such livestock or fowl so kept within the City of Red Lodge are hereby declared to be a nuisance and shall constitute a violation of this Code. The continuance of the same violation shall be regarded as a separate offense to be punished as such separate offenses; except as further defined and permitted in Title 4 - Public Health and Safety, Chapter 1 - Nuisances, Section 22 - A of the Red Lodge City Municipal Code. Household pets, as well as, horses and mules shall not be considered to be a nuisance within the City of Red Lodge. For the purpose of this Code, Chickens shall not be considered as a type of household pet.

### **5-5A-3 Fencing and Area Regulations.**

This Section shall not pertain to the keeping of Chickens. Chickens shall be regulated and permitted as provided for in Title 4 - Public Health and Safety, Chapter 1 - Nuisances, Section 22 - A of the Red Lodge City Municipal Code.

**A. Area Requirements:** It shall be unlawful for any person to keep or maintain any horse, mule, colt, or goat within a radius of fifty feet (50') of any dwelling or business house other than that occupied by the person owning said horse, mule, foal, or goat and it shall be unlawful for any person to keep or maintain any stable, barn, or feeding area for any horse, mule, foal or goat within a radius of one hundred feet (100') of any dwelling or business house other than that occupied by the person owning such horse, mule, colt, or goat and desiring to maintain a stable, barn or lot area.

**B. Fencing Requirements:** The area provided for in this section and maintained by the owner of any horse, mule, foal, or goat for pasture or stabling purposes within the City must be completely enclosed by a legal fence as defined in Montana Code Annotated Section 81-4-101. In addition to the fences specifically described in said section, a two (2) pole fence constructed in such a manner that it will contain horses, mules, foals and goats shall be considered a legal fence for the purpose of this chapter. It shall be unlawful for any person to keep any horse, mule, foal, or goat within the City limits that cannot be confined in an enclosure meeting the requirements of a legal fence as set forth in this subsection.

#### **5-5A-4 Offensive Premises for Keeping Livestock (inclusive of Chickens).**

Anyone who shall within the City limits keep or maintain any pen, enclosure, stable, or building for horses, mules, foals, goats or any other animal in such a filthy or unsanitary condition so as to be offensive to neighbors or other persons or injurious to the health of the neighborhood shall be guilty of maintaining a nuisance and violative of this chapter, and the continuance of the same shall be regarded as a separate offense to be punished as such separate offense.

#### **5-5A-5 Wild Animals.**

**A. Definition:** "Wild animals" are defined as those animals listed below, but not limited to said list: antelope, anteater, ape, orangutan, bear, badger, beaver, bobcat, deer, elephant, elk, ferret, fox, giraffe, gopher, jaguar, lynx, lion, mink, monkey, moose, mountain lion, wolves, coyote, mountain goat, opossum, puma, raccoon, rat, skunk, reptiles, tiger, weasel, wild fowl including turkeys, or any other undomesticated animals.

**B. Prohibited:** The keeping, housing, feeding, and/or maintaining of any and all wild animals within the City limits, except at those locations which are in existence on the effective date of the ordinance codified in this section, is hereby prohibited. Should, for any reason, an animal which is in existence on said effective date be removed from the present location for a period of seven (7) consecutive calendar days, the animal will not be allowed to be returned to the property or location.

**C. Offenses:** It shall be unlawful for persons to keep, house, provide feed, supplemental or otherwise, or maintain any wild animal within the City limits as provided by this section.

1. 1st offense—Written warning.
2. 2nd offense—One hundred dollar (\$100.00) fine.
3. 3rd or subsequent offense—Three hundred dollar (\$300.00) fine.

**D. Exemption:**

1. The Yellowstone Wildlife Sanctuary and the feeding of animals in their care is specifically exempt to the requirements of this section.
2. Bird feeders are exempt to the provisions of this section provided that the bird feeders are not installed and operated for the purpose of providing supplemental feed to any of the animals described in subsection A of this section.

### **3. Repealer.**

Ordinance 786 of the City of Red Lodge is hereby repealed upon the effective date of this ordinance.

**4. Effective Date.**

This ordinance shall be effective 30-days after approval of second reading by the Red Lodge City Council.

First Reading by the Red Lodge City Council on the 26<sup>th</sup> day of January, 2016.

Second Reading by the Red Lodge City Council on the 9<sup>th</sup> day of February, 2016.

**PASSED and APPROVED** by a majority of the elected members of the Red Lodge City Council this \_\_\_\_\_ day of February, 2016.

The City of Red Lodge

By: \_\_\_\_\_

Ed Williams, Mayor

Attest: \_\_\_\_\_

Loni Hanson, City Clerk