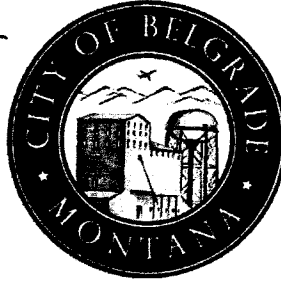


· motion to Approve failed 4 to 3
· Aye: Cooper / Mendenhall / Doyle
· No: Koentopp / Simon / Smith
Mayor voted NO - tiebreaker

12-3-18



ORDINANCE NO. 2018 - 8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELGRADE, MONTANA PROVIDING FOR THE ADOPTION OF TITLE 4, CHAPTER 7, AND AMENDING SECTION 4-6-6 OF THE BELGRADE CITY CODE AUTHORIZING AND REGULATING THE KEEPING OF DOMESTIC CHICKENS WITHIN THE CORPORATE LIMITS OF THE CITY OF BELGRADE, MONTANA.

WHEREAS, it is the intent of the Belgrade City Council to provide for and protect the health, safety and welfare of the citizens of Belgrade, promote residential harmony and ensure the well-being of properly maintained domestic chickens through effective regulation; and

WHEREAS, the Belgrade City Council acknowledges that having chickens within an urban environment has the potential to affect the interests of others; and

WHEREAS, certain minimum standards for keeping chickens is necessary to protect the health, welfare and quality of life of both the animals and citizens of Belgrade; and

WHEREAS, it is the intent of the Belgrade City Council to provide and maintain, for the citizens of Belgrade, opportunities for the healthy consumption of locally produced foods and products; and

WHEREAS, the Belgrade City Council acknowledges that the act of food production on one's own property may improve the quality of life of its residents; and

WHEREAS, the Belgrade City Council acknowledges that the husbandry of an appropriate number of domestic female chickens may provide a sustainable and cost-effective food source.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belgrade, Montana;

Section 1

That Section 4-6-6 of the Belgrade City Code shall be amended to include the underlined language as follows:

- A. Farm Animals. It is unlawful for any person, family, group of people, corporation, or other entity to own, keep, harbor, or maintain a farm animal in the city, except for female domestic chickens as provided in Title 4, Chapter 7 of the Belgrade City Code.

Section 2

That **Title 4, Chapter 7** of the Belgrade City Code is hereby adopted as follows:

CHAPTER 7

KEEPING OF CHICKENS

4-7-1: Keeping of Chickens Lawful: Subject to the standards in this Chapter, it shall be lawful to keep up to six (6) female domestic chickens (hens) over the age of three (3) months, or six (6) either sex domestic chickens under the age of three (3) months, or any combination thereof not to exceed a total of six (6) chickens, per permit holder.

4-7-2: Location and Number:

- A. Chickens may be kept in the following locations, subject to all other standards in this Chapter:
- i. on a detached single-household parcel(s) within a residential zoning district;
- B. The number of chickens authorized per permit shall comply with the following, subject to all other standards in this Chapter:
- ii. minimum lot size of 7,000 square feet of any residential parcel.

4-7-3: Specific Standards for Chickens:

- A. No male chickens (roosters) over the age of three months are permitted.
- B. No chickens may run at large within the corporate limits of the City of Belgrade. All chickens must be contained within the permittee's property boundary.
- C. The permittee shall provide the chickens with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens. The chicken house must be adjacent to and provide free access to the chicken enclosure. Chicken enclosures may be movable. Any heat source or electrical facilities installed in a chicken house must comply with all adopted building and electrical codes of the City of Belgrade.
- D. Chickens shall be secured within the chicken house from sunset to sunrise.

- E. Chicken enclosures and houses must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odors.
- F. Chickens shall have continuous access to adequate food and water.
- G. Stored feed must be kept in a rodent-proof and predator-proof container.
- H. Chickens shall be maintained in a healthy condition. Ill chickens shall either receive appropriate medical care or be culled.
- I. No chicken house or chicken enclosure shall be located in a front yard. No chicken house shall be located closer than 20 feet to any structure inhabited by someone other than the chicken owner, custodian, or keeper; not closer than 10 feet to any neighbor's property line or public alley; and not closer than 20 feet from any property line along a public street or roadway. Chicken houses may be movable but must comply with all standards of this section.
- J. No chicken shall be kept in a manner so as to create noxious odors or noise of a loud, persistent and habitual nature.
- K. No chickens shall be slaughtered within the public view.

4-7-4: Permits Required/Inspections:

- A. Prior to the keeping of any chicken(s), a party seeking to keep chickens shall obtain a permit from the City of Belgrade. A permit fee may be established by resolution of the City Council and may be revised from time to time. Only one permit shall be issued per household. Issuance of a permit is a discretionary act.
- B. The owner of the chickens shall keep a copy of all signed City approval documents for inspection upon request by an Animal Control Officer.
- C. A permit for chickens under this section does not relieve any party from any requirement to obtain any other permit or other necessary approvals for any structure, fence, lighting, heat source, etc. as required by the Belgrade City Code.
- D. A party wishing to keep chickens shall submit an application to the City of Belgrade for this purpose. The application shall contain the following:
 - 1. A sketch identifying the property boundaries and showing that the lot is a minimum of 7,000 square feet in area, the location of all structures on the property and distances between said structures and between the property boundaries. The sketch must also indicate the location(s) of the chicken enclosure and chicken house.

2. The name, address, and signed statement of the property owner, if different from the applicant, consenting to the keeping of the applied for number of chickens on the property. The owner's written consent shall be submitted with the permit application or renewal.
 3. The number of chickens to be kept, up to six (6).
 4. A description of the enclosure and chicken house, including materials used and cubic footage(s).
 5. A sworn statement that all statements contained in the application are true and that the permit holder shall keep the chickens in compliance with the terms of the permit, application and this section.
 6. The applicant shall provide each residence adjacent, including those adjacent across a public right-of-way, an Acknowledgement of Notification and Request for Hearing form and indicate on said form that the applicant intends to keep chickens in the manner described in the application. The applicant shall submit the signed forms and a listing of all adjacent residents with the application. If a neighbor refuses to sign, the applicant shall so state on the application. If two or more adjacent residences request a hearing, the City shall schedule and notice a hearing before the City Council.
 7. The applicant shall agree to allow the Animal Control Office to inspect the property upon which the chickens are to be kept any day from 7:00 a.m. to 9:00 p.m. prior to and after the issuance of a permit as a condition of the issuance of a permit.
- E. If, during any inspection, the Animal Control Officer determines changes are to be made to the enclosure, chicken house, or to the number of chickens to be kept, or require mitigation for the impact to adjacent properties, such as fencing or other screening, the applicant/permit holder shall comply with the order of the Animal Control officer. A person aggrieved by a decision of the Animal Control Officer may appeal to the City Manager who shall review all applicable information and issue a decision on the appeal. Appeals from the City Manager's decision on an application, permit or order of an Animal Control Officer's decision may be made to the City Council. At the time of final approval by Animal Control, the officer shall indicate final approval on the permit and keep a record of final approval.
- F. A permit to keep chickens is specific to the permit holder and the location of the permit. A person wishing to move chickens to a different property shall obtain a new permit. A new resident of a property who intends to keep chickens shall obtain a new permit regardless of whether chickens were kept on the property or continue to be kept on the property.

- G. Approval of a permit to keep chickens authorizes the permit holder to keep the number of chickens in the manner described on the application and permit.
- H. Nothing in this section shall prevent an Animal Control Officer from requiring an inspection of a property prior to or after issuance of a permit for any number of chickens.
- J. Changes to the standards contained in this section shall require any permit holder to comply with any new standard, regulation, or condition and no notice to a permit holder is required prior to enforcement of any new standard beyond that required for adoption of a new or revised ordinance.

4-7-5: Protest and Hearing: For the keeping of chickens, a request by the occupants, owners, or residents of two or more adjacent properties for the City Council to conduct a hearing on the application shall subject the application to a hearing before the City Council. Adjacent properties shall include those properties adjacent by a public right-of-way and include those connected by property corners. If a hearing is held the Council may issue a permit if the Council finds:

- A. That the site for the proposed use is adequate in size to accommodate such the keeping of chickens, and all yards, spaces, fences, and enclosures are adequate to properly relate such use with the land and uses in the vicinity;
- B. That the proposed use will have minimal adverse impact on adjacent properties or residents; and
- C. That any conditions stated in the approval are in addition to those required in this Chapter and are deemed necessary, and shall apply and be followed by the applicant and the property owner as a condition of approval.

4-7-6: Enforcement: Upon receiving a complaint of a possible violation the Animal Control Officer will investigate and determine if a violation of this section exists. If the Animal Control Officer determines a violation exists the officer may serve upon the permit holder or the owner or lessee of the property a written notice of violation and an order to take corrective action, may issue a warning, or may immediately issue a violation notice. The notice of violation may be served by leaving the notice in a conspicuous location at the place of the keeping of the chickens.

4-7-7: Penalty: Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to penalty as provided in Title 1, Chapter 4 of the Belgrade City Code. In addition thereto, the court may, upon conviction thereof, terminate all ownership rights in the chickens, order that the chickens be permanently removed from the city limits, or

order that the chickens be destroyed at the owner's expense. It is the intent of the City Council to impose absolute liability for the offenses described in this chapter.

Section 3

Transition

Any person presently keeping chickens within the City of Belgrade shall, within 90 days of the effective date of the ordinance creating this section, comply with the standards contained in this section, including the requirement to obtain a permit.

Section 4

Repealer

All provisions of the ordinances of the City of Belgrade in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Belgrade not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5

Savings Provision

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance.

Section 6

Severability

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Belgrade City Code as a whole.

Section 7

Effective Date

This ordinance shall be in full force and effect thirty (30) days after final adoption.

PROVISIONALLY PASSED by the City Council of the City of Belgrade, Montana on first reading at a regular session thereof held on the 3rd day of December, 2018.

Russell Nelson, Mayor

ATTEST:

Susan Caldwell, City Clerk

Failed

FINALLY PASSED, ADOPTED AND APPROVED by the City Council of the City of Belgrade, Montana on second reading and after having held public hearing at a regular session thereof held on the ____ day of _____, 20__.

Russell Nelson, Mayor

ATTEST:

Susan Caldwell, City Clerk