

ORDINANCE NO. 2023-03

AN ORDINANCE AMENDING HARDIN CITY CODE TO ALLOW CHICKENS IN THE CITY LIMITS

WHEREAS, the City of Hardin desires to modify and change the City Code of Hardin, Montana to allow chickens in the city limits of Hardin;

WHEREAS, the City of Hardin desires to alter certain definitions in the Hardin City Code, specifically in Title 6, Chapter 2, Section 1.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, Title 6, Chapter 2, Sections 1, 5, and 8 are amended with the addition of language (underlined) and removal of language (~~strikethrough~~) as follows:

6-2-1: DEFINITIONS:

ANIMAL: ~~Dog or Cat.~~ Includes, but is not limited to, cats, dogs, horses, bovine animals, sheep, goats, swine, donkeys, mules, llamas, geese, chickens, ducks and other animals of like nature; "wild animals" defined as any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, bobcat or other warm blooded animal taken from the wild state;

NUISANCE: A chicken, dog or cat shall be considered a nuisance if it: damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, "dangerous", or offensive conditions; causes a disturbance by excessive barking or other noisemaking; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

6-2-5: OWNER RESPONSIBILITY:

D. Nuisance: No chicken, dog or cat shall be allowed to cause a nuisance.

6-2-8: ANIMALS IN THE CITY:

A. Domestic And Wild Animals: Horses, bovine animals, sheep, goats, swine, donkeys, mules, llamas, geese, ~~chickens~~, ducks and other animals of like nature; "wild animals" defined as any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, bobcat or other warm blooded animal taken from the wild state; shall be prohibited within the City limits.

B. Rabbitry: Any premises or property of any kind or description where more than one female rabbit or hare is kept for purposes of breeding, or where more

than one litter of rabbits or hares is kept for purposes of sale, is prohibited within the City limits and any person permitting a rabbitry to be kept or maintained on premises within the City is hereby declared to be guilty of maintaining a nuisance.

C. Chickens: Up to four (4) chicken hens (female Gallus gallus domesticus, or other similar domesticated species) may be kept on a premise subject to the following requirements and subject to all other applicable provisions of this Code:

1. The chicken hens must be kept on a single-family parcel, only. Chicken hens are prohibited on any multi-family dwelling parcels.

2. The owner must obtain an annual permit from the City of Hardin Animal Control Officer. The fee for this permit will be determined by City Council Resolution, and may be periodically adjusted.

3. 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 two (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.

4. No chicken house, outdoor chicken enclosure, or chicken hen shall at any time be located closer than ten (10) feet to any public right-of-way, sidewalk, or neighboring property line other than the chicken owner, custodian, or keeper.

5. The chicken hens shall be shut into the chicken house at night, from sunset to sunrise.

6. During 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.

7. Stored feed must be kept in a rodent- and predator-proof container.

8. It is unlawful for the owner, custodian, or keeper of any chicken hen(s) to allow the hen(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure (see sections 6-1-11 and 6-8-3); and noise of a loud and persistent and habitual nature (see section 6-2-5(D)).

9. No chicken hen(s) shall be allowed to run at large in the city. No owner or keeper shall allow or permit any chicken hen(s) to be at large off the owner's or keeper's property. Any chicken hen(s) found to be running at large in the city or on private property in violation of this section is a public nuisance and shall be impounded in the animal shelter, as if a dog or a cat, pursuant to section 6-2-6.

10. No chicken house or chicken enclosure shall be located in a front yard.

11. No chicken hens shall be slaughtered within view of adjacent property or the public.

12. Roosters are prohibited in the City limits. Pheasants, geese, ducks, peacocks, and any fowl-like creature or similar animal, other than domestic chicken hens, are prohibited in the City limits.

13. 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.

☐D. Apiary: No person shall keep or maintain on any premises, property or place in Hardin, hives or colonies of bees.

☐E. Offensive Barns: Any barn, stable, building, shed, yard or other place wherein any animal is or has been kept, which barn, stable, building, shed, yard or other place is suffered to become filthy or offensive to neighbors or passersby, or injurious to the health of any neighborhood, or tends to contaminate the atmosphere in any place in the City is declared to be a nuisance.

☐F. Exemptions: Animals that are part of zoological parks, performing animal exhibitions, circuses, rodeos or similar shows, animals that are part of a City licensed veterinary establishment, animals that are permitted under the zoning provisions in I1 General Industrial District, and animals that are kept by high school age children or below as part of 4-H, school or similar project are exempt from the provisions of this section subject to the review by and approval of the City Council.

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 2nd day of May, 2023.

YEAS 4

NAYS 2

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk



POSTED AND MADE AVAILABLE TO THE PUBLIC this 3rd day of May, 2023.



Andrew Leh
City Clerk

SECOND READING AND PASSAGE By a majority vote of the members present this 16th day of May, 2023.

YEAS 3

NAYS 2

Jeff Russell
Mayor



ATTEST:

Andrew Leh
City Clerk

