

ORDINANCE NO. 1227

AN ORDINANCE REVISING SECTION 4-3 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING THE KEEPING OF CHICKENS IN THE CITY LIMITS, ADDING SECTION 24-20 TO THE CODE OF ORDINANCES OF THE CITY OF MILES CITY TO PROVIDE ZONING REGULATIONS FOR THE KEEPING OF CHICKENS, PROVIDING FOR A HEARING THEREON, AND PROVIDING AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED by the City Council of the City of Miles City, Montana as follows:

Section 1. Section 4-3 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 4-3. Keeping of certain animals prohibited; exceptions, and conditions of exceptions.

- (a) It shall be unlawful for any person to keep any livestock (including, but not limited to such animals as swine, sheep, goats, horses, cattle, geese, ducks, turkeys, or other domestic fowl [except chickens as provided in subsection (e)]) within the city at any time, except to bring the same to market for commercial purposes, and the same shall be kept and cared for by the owner or person in charge thereof at such place as may be directed by the chief of police and the city-county sanitarian. The prohibitions of this subsection (a) do not apply to agricultural activities, as defined by §76-2-902 MCA, that were established on lands outside the corporate limits of the City of Miles City and are continued on such lands subsequent to their annexation into the corporate limits of the City of Miles City. ”(b) It is unlawful for any person to own, harbor, keep, or permit at large, any exotic or wild animal within the city limits, except as follows:
- (1) Any person holding a valid rehabilitation permit from the Montana Department of Fish, Wildlife and Parks, but such exception is granted only for animals which are in rehabilitation and are scheduled to be released into the wild or transported to another facility for rehabilitation of such animal;
 - (2) Appropriately licensed theatrical exhibits or circuses;
 - (3) Federally licensed research institutions;
 - (4) Any governmental agency or its employees who use the animals for an agency related educational, propagation, or behavior program;
- (c) It shall be unlawful to possess more than two rabbits within the city limits. Those possessing rabbits within the city limits shall keep them in separate hutches and shall not raise them for commercial purposes.
- (d) This section shall not apply to domestic or household pets, that is, parakeets, canaries and similar types of birds, providing that the pets are not a nuisance or a hazard so as to endanger the public health.
- (e) Up to six (6) chickens may be kept per household in accordance with provisions in the zoning chapter after a permit is obtained for the coop and run, but no roosters, and there shall not be any fee or license charged therefor. The following provisions shall govern the keeping of chickens:
- (1). No chicken shall be permitted to roam freely outside of a run.
 - (2) From sunset to sunrise the chickens must be kept in the coop.
 - (3) Chicken feed and manure must be kept in rodent and raccoon proof containers, may not be placed in yard compost piles, and must be disposed of weekly in such a manner as to not become a public

nuisance as defined in Chapter 15, Section 15-1(a)(1)f of the Miles City Code of Ordinances

Section 2. There is added a Section 24-20 to the Miles City Code of Ordinances to read as follows:

“Sec. 24-20. Special uses.

(a) Regulations for keeping of chickens:

- (1) The keeping of up to six (6) chickens, but no roosters, shall be allowed in all districts allowing residential use if the following requirements can be met:
 - a. No coops or runs shall be located in front yard setbacks. In addition, for corner lots, side yard setbacks shall not be used.
 - b. Chicken coops and runs shall be located at least 20 feet away from any residential structure, church, school, or other building inhabited by people except the residence of the chicken owner, custodian, or keeper as measured from the nearest exterior wall of both structures.
 - c. Coops and runs must be set back a minimum of 10 feet from all property lines as measured from the nearest wall of the coop or run.
 - d. No coop shall exceed 48 square feet however eaves, feed boxes, and other minor appurtenances may extend further without being calculated as the basic square footage.
 - e. All coops shall be designed to be predator proof.
 - f. No coop shall exceed the height of 8 feet.
 - g. No coops or runs shall be constructed in the floodway in compliance with the Floodplain Regulations and shall also comply with any floodplain regulation requirements if located in the floodway fringe.
 - h. Runs will be constructed of wood or woven wire materials, will allow chickens to contact the ground, shall not exceed 6 feet in height, and shall not exceed twenty (20) square feet per chicken.
 - I. Run fencing shall be attached to the coop except in the case of a mobile coop.
 - j. Electrified fences on runs are prohibited.
 - k. No flags or banners shall be strung around the perimeter of runs.
 - l. If electrical lines/cords to coops are strung aerially, they should not be visible from neighboring properties or public spaces.
- (2) Mobile coops are allowed but are required to meet the location and design requirements in subsection (1)(a-g) and shall be confined within a run.
- (3) A permit is required. Prior to the issuance of the permit, a site plan shall be submitted to the planning department for approval.

Section 3. A public hearing shall be held upon this ordinance, including the proposed zoning regulations, before the City Council at 7:00 p.m. on the 24th day of April, 2012 in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

Section 4. The City Clerk shall give notice of the date, time and place of such hearing by publication in the Miles City Star at least 15 days prior to the date of hearing, in accordance with §76-2-303 and §76-2-305 MCA.

Section 5. This ordinance and the amendments contained herein shall become effective thirty (30) days after its final passage.

Said ordinance read and put on its passage this 27th day of March, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

FINALLY PASSED AND ADOPTED this 24th day of April, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk