

CITY OF POLSON

AN ORDINANCE OF THE CITY OF POLSON, MONTANA, ALLOWING FOR THE KEEPING OF DOMESTIC CHICKENS AT SINGLE FAMILY RESIDENCES, ESTABLISHING STANDARDS FOR THE MAINTENANCE AND SHELTER OF DOMESTIC CHICKENS, REQUIRING A PERMIT FOR DOMESTIC CHICKENS AND SETTING THE REGULATIONS RELATED THERETO.

WHEREAS, the intent of this Ordinance is to establish standards for the keeping of domestic chickens in a manner which will not endanger the health, peace and safety of the citizens of Polson, and which will assure that chickens are maintained in a clean and sanitary condition and not subjected to suffering, cruelty or abuse; and

WHEREAS, The City of Polson permits chickens to be kept and maintained only at single-family residential dwellings in the city as accessory uses, in accordance with applicable city regulations pertaining to animals, and subject to the following requirements:

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Chapter 13. Animals. Article 1. General. Sec. 13.01.010. - Animals at large.

It shall be unlawful for any person, firm or corporation to keep or maintain domestic or exotic fowl including but not limited to ~~chickens~~, turkeys, ducks or geese within the corporate limits of the city. It is hereby provided that **domestic fowl**, and livestock, consisting of horses, cattle, mules, sheep, burros, goats and swine, or any such animals, shall not be allowed to run at large in the town nor shall these animals be kept within the corporate limits of the city. Horses, mules and burros may be ridden upon the streets and alleys of the city and in authorized parades.

Chapter 13. Animals. Article 1. General. Sec. NEW – Keeping domestic chickens.

A. Specific Standards for chickens.

1. Inspection of the proposed coop and run shall be conducted prior to issuance of the chicken permit.
2. No male chickens (roosters) over the age of three months are permitted.
3. There will be a strict limit of **six** (6) adult (aged over six months) chickens at all times.
4. No chickens may run at large within the corporate limits of the city. All chickens must be contained within the permittee's property boundary.
5. The permittee shall provide the chickens with a covered, predator-proof detached utility building that is thoroughly ventilated, of sufficient size to admit free movement of the chickens. The detached utility building must be adjacent to and provide free access to the chicken enclosure. No heat sources or electrical facilities are to be installed in the detached utility building. Any lighting must be solar or battery-operated devices. Absolutely no "extension cord wiring" will be permitted.
6. The permittee shall provide the chickens with a predator-proof enclosure of sufficient size to admit free movement of the chickens. Chicken enclosures may be moveable.
7. Chickens shall be secured within the enclosure from sunset to sunrise.
8. Chicken enclosures and detached utility building must always be kept in a neat and sanitary condition and must be cleaned on a regular basis to prevent offensive odors.
9. Chickens shall have continuous access to adequate food and water.
10. Stored feed must be kept in a rodent-proof and predator -proof container.
11. Chickens shall be maintained in a healthy condition. Ill chickens shall either receive appropriate medical care or be culled.
12. No detached utility building shall be located closer than 30 feet to any structure inhabited by someone other than the chicken owner, custodian, or keeper, and not closer than 10-feet to any property line, nor located within any setbacks of the property. Detached utility building may be moveable but must comply with all standards of this section.
13. No chicken shall be kept in a manner to create noxious odors or noise of a loud, persistent, and habitual nature.
14. No Chickens shall be slaughtered within the public view.

B. Permits required/inspections.

1. Prior to keeping of any chickens, a party seeking to keep chickens shall obtain a permit, from the City. A permit fee may be established by resolution of the City Commission and may be revised from time to time. Only one permit shall be issued per address. Issuance of a permit is a discretionary act.
2. All chicken permits are valid for one calendar year unless sooner revoked. Permits shall expire December 31st. Permits must be renewed within 30 days of the expiration date or the application will be treated as a new application. It is the applicant's responsibility to renew chicken permit prior to the expiration of said permit. Failure to obtain a chicken permit prior to opening and/or operating any

facility covered in this section shall result in a fine of \$100.00. Each day a violation exists may be charged as a separate offense.

3. The owner of the chickens shall keep a copy of all signed city approval documents for inspection upon request by code enforcement officer, animal control officer, or police officer.
4. 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, etc. as required by this Code.
5. A party wishing to keep chickens shall submit an application to keep chickens to the City. The application shall contain the following:
 - a. A sketch identifying the property boundaries, 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 of the proposed chicken enclosure and detached utility building.
 - b. The name, address, and signed statement of the property owner.
 - c. The number of chickens kept.
 - d. A description of the proposed chicken enclosure and detached utility building, including materials used and cubic footage.
 - e. 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.
 - f. Where the party seeking to keep chickens is not the fee owner of the property upon which chickens will be kept, the applicant shall obtain the property owner's consent in writing to keep chickens on the property. The owner's consent shall be submitted with the permit application or renewal.
6. The party shall have the location inspected by the city animal control officer prior to the keeping of chickens. The animal control officer shall review the enclosure, detached utility building, and all matters related to the keeping of chickens. Applicant's failure to properly complete all forms may constitute cause to deny the application or revoke the permit.
7. If, during any inspection, the animal control officer determines changes are to be made to the enclosure, detached utility building, 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 commission. 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.
8. 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.
9. Approval of a permit to keep chickens authorizes the permit holder to keep six adult chickens in the manner described on the application and permit.
10. 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.
11. A permit holder is required to comply with any new standard, regulation, or condition, under this section, that is adopted according to proper legal process.

C. **Enforcement.**

Upon receiving a complaint of a possible violation or animal cruelty, 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, or by regular US postal mail. The animal control officer will revisit the address where the violation occurred, no sooner than five days or more after the notice of violation is issued to verify corrective action has been taken. Failure to correct violations as determined by the animal control officer may result in a citation for each violation as a misdemeanor and punishable under Polson Municipal code section 1.01.210. General penalties for code violation. Each day a violation exists may be charged as separate offence.

Dated the 17th of May, 2021. Effective: June 17, 2021

First reading and preliminary adoption on the 3rd day of May, 2021 by a vote of 4 ayes, Commissioners Corrigan-

Ekness, Moll, Pardini, and Mayor Briney ; 0 nays; 0 abstentions; and 3 absent, Commissioners: Howlett, Isbell, and Marchello

Date of Second Reading: May 17, 2021

 6 ayes 0 nays 0 abstentions

Attest:

Approved:

Cora E. Pritt City Clerk

Mayor Paul Briney