

ORDINANCE NO. 04-2019

**ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
HARLOWTON, MONTANA, AMENDING CHAPTER 8.04 OF THE CITY
OF HARLOWTON MUNICIPAL CODES CONCERNING THE KEEPING
OF DOMESTIC LIVESTOCK WITHIN THE CITY OF HARLOWTON
CITY LIMITS.**

RECITALS

WHEREAS, the City Council has found that the existing Municipal Codes Chapter 8.04, entitled Nuisance to Keep Domestic Livestock in City, should be amended to include an updated definition of domesticated animals; and

WHEREAS, the City Council finds it appropriate to correct misspellings, and to remove the word "herding" from two sections; and

WHEREAS, the City Council finds that the Municipal Codes of the City of Harlowton, should be amended to allow for the keeping of chickens, beehives and domestic pot-bellied pigs within the Harlowton City Limits; and

WHEREAS, the City Council finds that it is appropriate to increase the penalties for violations of this ordinance; and

WHEREAS, the City Council finds that changes to Sections 8.04.010, 8.04.020, 8.04.025, 8.04.030 and 8.04.040, and the addition of Section 8.04.015, will address these issues:

NOW, THEREFORE, BE IT ORDAINED, by the City Council, City of Harlowton, Montana, as follows:

Section 1: Action

1. Change Section 8.04.010 Keeping of Some Animals a Nuisance., to state as follows:
The keeping, housing, or penning up of any non-domesticated animals within the city limits of the City of Harlowton, Montana, is hereby prohibited and declared to be a nuisance.
2. Add new Section 8.04.015:
8.04.015 Definition of non-domesticated Animals. A non-domesticated animal is any wild animal, reptile, or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature, or other characteristics would constitute a danger to human life or property. The term includes animals and birds, the keeping of which is licensed by the State of Montana or federal government, such as wolves, raptors, and pheasants. By way of example and not of limitation, the term includes: snakes, eagles, ocelots, jaguars, cougars, weasels, wild ferrets, badgers,

monkeys, chimpanzees, deer and bison, crossbreeds between wild and tame animals such as wolves and dogs, and all equine, bovine, ovine, and caprine species.

A domesticated animal for purposes of this chapter of the Harlowton Municipal Codes means any animal kept as a pet, or otherwise under the control of an individual, that is a member of one of the following species: dogs, cats, fish, domesticated pot-bellied pigs, caged birds, rabbits and other indoor pets.

3. Change Section 8.04.020 A Municipal Infraction to Keep Some Animals Within City Limits, to state as follows:
The keeping, housing, or penning up any non-domesticated animals within the city limits of the City of Harlowton, Montana is hereby declared to be a municipal infraction and may be punished in accordance with this ordinance.
4. Change Section 8.04.025 Special Provisions for Keeping of Some Animals, to state as follows:
Sections 8.04.010 and 8.04.020 are to be in effect throughout the year except during the Independence Day Parade and Rodeo and the Wheatland County Youth Fair, when such animals will be allowed within city limits for the duration of those events, but only if they are part of those exhibitions and are kept within the designated areas. Also, a maximum of 6 (six) chickens, but no roosters, may be kept within the city limits as long as they are kept in an area that is kept clean, they are kept penned in, and have a covered chicken coop in the area. Potbellied pigs that are domesticated and kept as pets are allowed to be kept in the city limits. Honey bee hives may be kept within city limits, with a maximum of 2 (two) hives, and they must be registered with the State of Montana as required by the State of Montana. Registered commercial apiary (honey bee) operations may be conducted within the city limits.
5. Change Section 8.04.030 to state as follows:
Section 8.04.030 Authorization to Suppress Nuisance and Impound Non-domesticated Animals. Law enforcement officers for the City of Harlowton, Montana, are hereby authorized and directed to suppress and to abate each nuisance as defined in Section 8.04.010 of this ordinance. Any non-domesticated animal kept in violation of this ordinance may be impounded and kept with a doctor of veterinary medicine, if possible, and after being so impounded for five (5) days or more without being reclaimed by the owner, may be sold or destroyed. Any person reclaiming such impounded animal shall pay the costs of impounding and keeping the same, and shall provide documentation of the animal's relocation outside of the city limits of the City of Harlowton, Montana. If impounding with a doctor of veterinary medicine is not possible, law enforcement officers may take such action as they deem reasonable under the circumstances.
6. Change Section 8.04.040 Penalties, to state as follows:
Any person, persons, or corporation convicted of perpetuating a nuisance or municipal infraction as herein defined shall upon conviction thereof be fined in a sum not less than fifty dollars (\$50.00) and not more than two hundred (\$200.00), together with the cost of

proceedings, or by imprisonment for not less than three (3) days and not more than thirty (30) days, or by both such fine and imprisonment.

Section 2: Repealer

All resolutions, ordinances and sections of the City of Harlowton Municipal Code and Parts thereof in conflict herewith are hereby repealed.

Section 3: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provision of this ordinance is declared to be severable.

Section 4: Effective Date

The First Reading of this ordinance occurred on, and is reflected in the minutes of the City Council dated August 27, 2019.

This ordinance shall be in full force and effect 30 days after passage of the Second Reading.

PASSED AND ADOPTED, ON THIS SECOND READING, by the City Council of the City of Harlowton this 24th day of September, 2019.

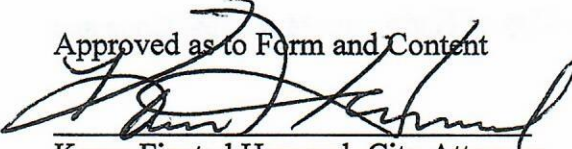
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<u>Jim Kahlowski</u> Councilperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>John H. Anderson</u> Councilperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Zack Miller</u> Councilperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Pharo Elwood</u> Councilperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Ronald Teig Jr</u> Councilperson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Approved:



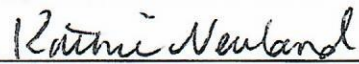
Paul Otten, Mayor

Approved as to Form and Content



Karen Finstad Hammel, City Attorney

ATTEST:



Kathie Newland, City Clerk