

DRAFT

ANIMAL CONTROL BOARD PUBLIC MEETING MINUTES

Date: **June 12, 2012**
Location: **North Park Center, 6th Avenue North & North 19th Street**
Time: **6:00pm**

MINUTES

Call to order: 6:11pm

Role Call: **Present: Douglas Ruebke, Diana Kay Bachman, Robert Pumphrey ,
David Klein.**
Absent: Dennis Ulvestad, Solomon Neuhardt.

Public Comment/Questions:

Animal Control Supervisor, David Klein, handed out Draft Ordinance Options and paper copies of Power Point presentation as Power Point computer could not be made operational.

As two draft options are currently being proposed for consideration, Dave explained each of the options.

Dave explained that the two options were written based only on Missoula's ordinance, and changes were made to meet language applicable to the City of Billings.

As the meeting was held with open discussion and questions those who made specific suggestions could not be identified to each person.

Approximately (8) eight citizens in favor of seeing Urban Chickens allowed within the City Limits attended.

Suggestions from citizens who attended were:

Removing wording "dogs and other" from line (6). The consensus of the attendees was that dogs also would be considered as predators.

Line#6 During daylight hours the adult chickens 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 chickens and to prevent access to the chickens by dogs and other predators.

Citizens also attending suggested that owners of chickens be allowed to let

their chickens loose in their yard so that the chickens can eat and control bugs in their yards. It was believed by all in attendance that current wording used in the present draft would allow owners to do so.

Attendees were asked if they were concerned about chickens being prohibited in their covenants. The response was that covenants were civil matters and that existing property covenants restrictions/regulations did not pertain to an ordinance for allowing the keeping of chickens.

The question of the licensing for selling, and/or giving away of eggs was brought up.

The question if chicken owners could be cited for animal at large if out of enclosure. Attendees said under the language of the proposed ordinance only the chicken house and the enclosure are required to comply with the property set-back requirements, and that the chickens are not required to be enclosed and should not be cited if free-ranging on their owner's property.

Suggestion for the requirement for clipping of wings made.

Concerns for the potential of people stealing chickens or eggs was brought up.

Requirement for leg banding of chickens was suggested. Dave said that it would be time consuming for Animal Control, he was against any additional paper work needed for regulating chickens.

Concern that the language allows chickens adjacent to alleys.

Subject of removing the one year trial brought up.

Animal Control Supervisor, David Klein, explained as current City Ordinance is written owners must understand that if a neighbor's dog were to get into a chicken owners yard and injure or kill any of their chickens the only charge that could be brought against the dog owner would be for Small Animal at Large. The Potentially Dangerous section as it currently reads would not consider a dog killing chickens a violation as it specifically stated injuring or killing of fowl would not be a violation. Chicken owners will need to understand that they are responsible for keeping their chickens safe. Attendees said that they understood that their chickens may be killed by animals, but that was something they would have to deal with in the raising of chickens.

Citizens attending when asked all voted in favor of option number (2) two – the Missoula Ordinance with suggested changes from City Staff.

Animal Control Board Members in attendance:

Diana Kay Bachman: Voted to support City Staff Recommendation (Option 2)

Robert Pumphrey: Voted to support City Staff Recommendation (Option 2)

Douglas Ruebke: Voted against supporting (Option 1) or (Option 2) stating in his opinion the options provided do not protect the rights of neighbors, nor protect the

citizens from possible health and disease issues associated with the keeping of chickens.

Animal Control Supervisor, David Klein, explained that he had spoken with Animal Control Board Member, Dennis Ulvestad earlier this day and Dennis stated that he would support City Staff Recommendation (Option 2). Dennis flew to Denver today and was not able to attend, and was not present to vote or form a opinion based on the current information presented at the meeting.

Adjourn: 8:10pm

**AN ORDINANCE AMENDING THE BILLINGS
MONTANA CITY CODE TO ALLOW A LIMITED
NUMBER OF FEMALE CHICKENS IN
RESIDENTIAL AREAS BY AMENDING
SECTIONS 4-303 - CARE, KEEPING AND SALE**

OF ANIMALS TO ADD NEW LANGUAGE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY BILLINGS THAT:

Section 1. That section 4-303 of the Billings Montana City Code is amended so that such section shall read as follows:

Sec. 4-303. - Rabbitry and Chickens (*Gallus gallus domesticus*)

Rabbitry

(a) Whenever the term "rabbitry" is used in this section it shall be deemed to mean 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.

(b) No person shall keep or maintain a rabbitry on premises controlled by such person.

Chickens (*Gallus gallus domesticus*)

(c) Up to six (6) chicken hens (female of species) may be kept on a premises subject to the following requirements and subject to all other applicable provisions of this Chapter:

(1) The chickens must be kept on a single-family parcel(s), and chickens may be kept on a parcel(s) under one ownership with more than one dwelling if all residents and the owner consent in writing to allowing the chickens on the property. When chickens are kept on a multi-dwelling parcel(s) the owner of the chickens shall keep a copy of the signed approval document for inspection upon request by animal control personnel.

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

(3) The chickens shall be provided with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens, designed to be easily accessed, cleaned and maintained by the owners and be at least 2 square feet per chicken in size.

(4) No chicken house shall be located closer than 20 feet to any residential structure occupied by someone other than the chicken owner, custodian, or keeper.

(5) The chickens shall be shut into the chicken house at night, from sunset to sunrise. (6) During daylight hours the adult chickens 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 chickens and to prevent access to the chickens by dogs and other 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 to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature. Animal Control will determine whether or not a nuisance exists on a case-by-case basis.

(9) Enforcement Upon receiving a complaint of a possible violation Animal Control will investigate, determine if a violation exists and when appropriate leave a notice of violation and order to take corrective action with the owner, custodian,

or keeper and provide them with written notice of the violations that require correction. Animal Control will revisit the owner's address 10 days or more after the notice of violation is issued. If the owner, custodian, or keeper has failed to comply with the ordinance, Animal Control may issue a citation to the owner, custodian or keeper for failure to comply with any applicable requirement of this section.

(10) When Animal Control determines that a violation of the code has occurred, Animal Control may issue written notice to the owner, custodian or keeper, either personally or by certified mail. Such notice shall specify the provision or provisions of this chapter alleged to have been violated along with a short and plain statement of the facts that constitute the violation. The notice shall include an "order to take corrective action" requiring compliance within a reasonable time as stated in the order.

(11) The City of Billings Municipal Court judge shall assess animal violation fines as set forth in this chapter. An owner, custodian, or keeper of an animal who is found guilty of any provision of this chapter shall be guilty of a municipal infraction. Failure to comply with a properly issued Notice of Violation and Order to Take Corrective Action shall be counted as a separate offense from a citation issued after the compliance date described in the order. Each day an offense exists shall constitute a separate offense pursuant to this chapter.

Section 2. Effective Date. This ordinance shall be effective from August 9, 2012.

Section 3. Sunset Date. This ordinance shall be in effect for one (1) calendar year from August 9, 2012. On August 9, 2013, Section 4-303 BMCC will revert to its original language unless the City Council re-adopts the language herein.

Section 4. 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 provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 12th day of June, 2012.

PASSED, ADOPTED and APPROVED on second reading this 9th day of July, 2012.

CITY OF BILLINGS
By: _____
Thomas W. Hanel, Mayor

ATTEST:

By: _____

Cari Martin, City Clerk

ORDINANCE NO. 12-_____

DRAFT OPTION 2

AN ORDINANCE AMENDING THE BILLINGS
MONTANA CITY CODE TO ALLOW A LIMITED
NUMBER OF FEMALE CHICKENS IN
RESIDENTIAL AREAS BY AMENDING
SECTIONS 4-303 - CARE, KEEPING AND SALE
OF ANIMALS TO ADD NEW LANGUAGE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY BILLINGS THAT:

Section 1. That section 4-303 of the Billings Montana City Code is amended so that such section shall read as follows:

Sec. 4-303. - Rabbitry and Chickens (Female *Gallus gallus domesticus*)

Rabbitry

(a) Whenever the term "rabbitry" is used in this section it shall be deemed to mean 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.

(b) No person shall keep or maintain a rabbitry on premises controlled by such person.

Chickens (Female *Gallus gallus domesticus*)

(c) Up to six (6) chicken hens (female *Gallus gallus domesticus*) may be kept on a premise subject to the following requirements and subject to all other applicable provisions of this Code:

(1) The chickens must be kept on a single-family parcel(s). Chickens are prohibited on any multi-dwelling parcel(s).

(2) The owner must obtain an annual permit from the City of Billings Animal Control. The fee(s) for this permit will be determined by City Council Resolution and may be periodically adjusted;

(3) The chickens shall be provided with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens, designed to be easily accessed, cleaned and maintained by the owners and be at least 2 square feet per chicken in size.

(4) No chicken house or outdoor enclosure shall be located closer than 10 feet to any neighboring property line occupied by someone other than the chicken owner, custodian, or keeper.

(5) The chickens shall be shut into the chicken house at night, from sunset to sunrise. (6) During daylight hours the adult chickens 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 chickens and to prevent access to the chickens by dogs and other 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 to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure (see Sec. 4-306 Offensive animal waste); and noise of a loud and persistent and habitual nature (see Sec. 4-404 Noisy animals).

(9) No chicken(s) shall be allowed to run at large in the city. No owner or keeper shall allow or permit any chicken(s) to be at large off the owner's or keeper's property. Any chicken(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.

(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.

(d) Persons found to have committed a violation of this section shall be subject to civil penalties as specified in section 18-1304.

Section 2. Effective Date. This ordinance shall be effective from August 9, 2012.

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 provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 25th day of June, 2012.

PASSED, ADOPTED and APPROVED on second reading this 9th day of July, 2012.

CITY OF BILLINGS
By: _____
Thomas W. Hanel, Mayor

ATTEST:

By: _____

Cari Martin, City Clerk





OPTION #1

- Based specifically from the Missoula
Ordinance

SECTION #1

**Sec. 4-303. - Rabbitry. and Chickens
(*Gallus gallus domesticus*)**



- Up to six (6) chicken hens (female of species)
may be kept on a premises subject to the
following requirements and subject to all other
applicable provisions of this Chapter:



Line#1:

- Allows for hens in single and multifamily dwellings.
- Requires consent of land owner for parcels with more than one family dwelling.
- Allows hens for multi-family dwellings with consent of all residents.



LINE #2

Establishes permit requirement and fee.

LINE#3

Establishes chicken house requirements for size, ventilation, cleaning, and predator proof.

LINE#4

Sets limit of location of chicken house and outdoor enclosure to no closer than 20' to any residential structure occupied by someone other than the chicken owner.



LINE #5

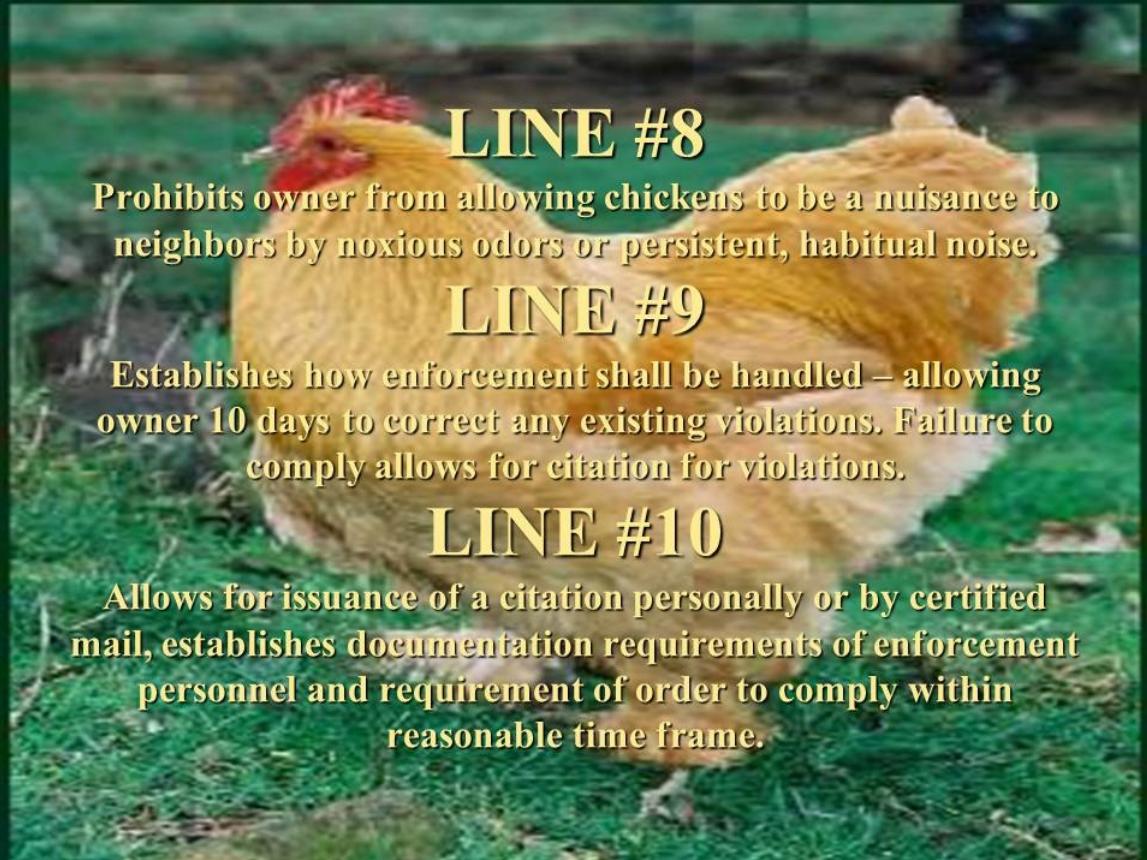
Requires that the chickens be shut in the chicken house from sunset to sunrise.

LINE #6

Allows for chickens to have access to an outside enclosure and requires the enclosure adequately fenced to contain the chickens and protect them from dogs and other predators

LINE #7

Requires feed stored in rodent and predator proof container.



LINE #8

Prohibits owner from allowing chickens to be a nuisance to neighbors by noxious odors or persistent, habitual noise.

LINE #9

Establishes how enforcement shall be handled – allowing owner 10 days to correct any existing violations. Failure to comply allows for citation for violations.

LINE #10

Allows for issuance of a citation personally or by certified mail, establishes documentation requirements of enforcement personnel and requirement of order to comply within reasonable time frame.



LINE #11

Establishes violation(s) as Municipal Infractions. Establishes that each day that an offense is allowed to continue after a Notice of Violation and Order to Take Corrective Action has been properly issued will constitute separate offenses.



SECTION 2

Establishes effective date as August 9, 2012

SECTION 3

Places a Sunset Date of August 9, 2013 requiring Council to
re-adopt language or will revert to original language.



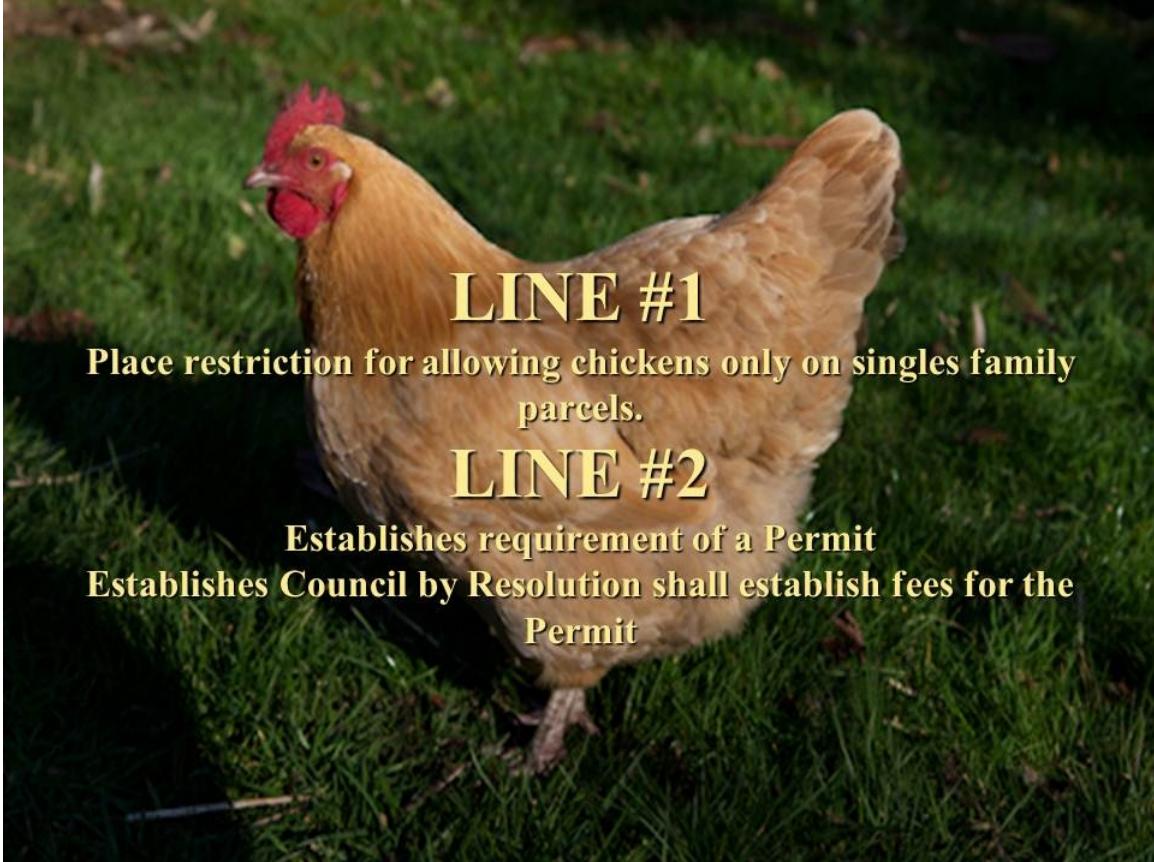
OPTION #2

Based on Missoula Ordinance with suggested
language changes from Staff.

SECTION #1



SEC: 4-303
Rabbity and Chickens (Female
Gallus gallus domesticus)



LINE #1

Place restriction for allowing chickens only on singles family parcels.

LINE #2

Establishes requirement of a Permit

Establishes Council by Resolution shall establish fees for the Permit



LINE #4

Establishes required distance from adjoining property.

LINE #8

References current applicable sections dealing with waste,
odor, and noise issues.



LINE #9

Replace wording to deal with issues of chickens allowed to run at large.

LINE #10

Replace wording in this section and insert wording not allowing chicken houses/outdoor enclosures in the front yards of parcels.



LINE #11

**Replace wording and place restrictions not allowing
slaughtering of chicken within public view.**

LINE #d

**Replace wording and insert wording explaining violations
subject to civil penalties as designated in Section: 4-454
Penalties**

A photograph of a brown hen with a red comb and wattle, standing on a patch of green grass. The hen is facing towards the left of the frame. A vertical orange bar is on the left side of the image. A watermark is overlaid on the image, containing the text "SECTION #2" in a large, bold, serif font, and "Remove sunset date." in a smaller, regular, serif font.

SECTION #2

Remove sunset date.