

ORDINANCE NO. 12-5580

AN ORDINANCE AMENDING THE BILLINGS MONTANA CITY CODE TO ALLOW A LIMITED NUMBER OF FEMALE CHICKENS IN RESIDENTIAL AREAS BY AMENDING SECTIONS 4-401 DEFINITIONS AND 4-303 – CARE, KEEPING AND SALE OF ANIMALS

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

**Section 1.** That the following definitions in section 4-401 of the Billings, Montana, City Code are amended to read as follows:

*Animal* means to include all livestock, *fowl*, and any domestic pet, both male and female.

*Small animal* includes any dog, cat, rabbit, *chicken*, or domesticated small animal, both male and female.

**Section 2.**

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 chicken hens must be kept on a single-family parcel(s). Chicken hens 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 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 2 square feet per chicken hen in size and the coop and enclosure cannot be more than (12) twelve feet at its peak in height.

(4) No chicken house, outdoor chicken enclosure, or chicken hen shall at any time be located closer than 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 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 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. (see Sec. 4-406 Small animals at large)

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

**Section 3. Effective Date.** This ordinance shall be effective from October 10, 2012.

**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 27th day of August 2012.

PASSED, ADOPTED and APPROVED on second reading this 10<sup>th</sup> day of September 2012.

CITY OF BILLINGS



By: Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

By: Cari Martin  
Cari Martin, City Clerk