

Draft dated 11/29/2022
Ordinance

An ordinance of the Missoula City Council amending Title 6, Chapter 6.07, Section 6.07.1010 entitled "Regulations concerning keeping of livestock and domestic fowl" to allow student members of 4H and Future Farmers of America (FFA) to keep market ~~sheep~~, market goats and market ~~chickens~~poultry as part of a 4-H or FFA project on a parcel that is less than an ~~acresacre~~ in size subject to certain conditions and other minor amendments to reflect current laws and practices.

Be it ordained that Section 6.07.1010 is hereby amended as follows:

6.07.1010 Regulations concerning keeping of livestock and domestic fowl.

A. Requirements for all livestock:

1. Livestock which are kept, harbored, housed, corralled or otherwise maintained within the city limits shall be securely confined within an enclosed area. The enclosure shall be adequate to prevent the escape of the animals.
2. The owner, keeper or custodian must provide a windbreak and shade for the livestock.
3. The owner, keeper or custodian shall provide adequate food and water to the livestock in sufficient quantities to ensure the health of the livestock.
4. The smallest enclosure in which any livestock may be kept shall be a land area of at least one half acre in size. The enclosure may include a barn, stable or other shelter intended for use by the animal(s). It shall not include any other building structures.
5. Animal excreta shall be removed weekly, at a minimum, from the area where livestock are kept.
6. Adequate vegetative cover and/or frequent water irrigation sprinkling shall be provided where livestock are kept between April 1st through October 31st to alleviate or eliminate dust as a potential nuisance problem for nearby neighbors.
7. The requirements outlined in [6.07.1010 \(B\)](#) do not apply to the keeping of any of the above-identified fowl, animals or livestock at the Missoula County Fairgrounds, so long as the activity is authorized and supervised by Missoula County or its agents.

B. Special requirements for geese, ducks, or other domestic fowl or birds (excluding birds purchased at a pet store and kept in the residence as house pets) on parcels one acre or larger in size.

1. The size requirements for the enclosure outlined in [6.07.1010 \(A\) \(4\)](#) do not apply. An enclosure may smaller than one half acre in size while the parcel must be one acre or larger.
2. The total number of geese, plus ducks, plus other domestic fowl may not exceed six.
3. The owner, keeper or custodian shall provide a covered, predator-proof coop or other structure for the animals that is
 - i. thoroughly ventilated
 - ii. of sufficient size to admit free movement of the animals
 - iii. designed to be easily accessed, cleaned and maintained
4. The animals shall be shut into the coop or other structure from sunset to sunrise each day.
5. Structures used to house the animals shall be set back at least twenty feet from a structure used for human habitation
6. Structures used to house the animals shall be set back at least fifty feet from any real property line.

C. Special requirements for rabbits:

1. A rabbit or rabbits may be kept in cages or other structures in an area that is within or adjacent to a rabbit owner's personal residence as long as the rabbit cages or structures are not within thirty

feet of another structure or dwelling unit used for human habitation that is not owned by the rabbit owner or within twenty feet of any common real property line between private property owners.

2. There shall be no common property line restriction if the adjacent property on the other side of a common property line is public-owned land.
3. It is unlawful for the owner, keeper or custodian of rabbits to possess at the same premises at the same time more than five rabbits that are more than six weeks old, unless the real property is one-quarter acre or larger in size.
4. The size requirements for the enclosure outlined in [6.07.1010 \(A\) \(1\)](#) do not apply. An enclosure may smaller than one half acre in size

D. Special regulations for urban chickens, ducks and ~~Colinus Virginianus~~ quail on a parcel of land that is less than one acre in size.

A total of up to six (6) female chickens and/or ducks or ten (10) female quail (“allowed fowl”) are allowed, provided the owners comply with the following requirements:

1. Muscovy ducks (Cairina Moschata) are prohibited.
2. The “allowed fowl” may be kept on:
 - i. a single-family parcel(s); or
 - ii. multi-dwelling parcel(s,) if all residents and the property owner(s) consent in writing before the fowl are acquired. The “allowed fowl” owner must keep a copy of the signed approval document and present it for inspection if requested by Animal Control personnel.
3. The owner must obtain a permit ~~at a cost of \$30.00 renewable every three years~~ from City/County Animal Control ~~or City Finance.~~
4. The “allowed fowl” owner(s) shall provide a covered, predator-proof coop that is:
 - i. thoroughly ventilated,
 - ii. designed to be easily accessed, cleaned and maintained by the owners;
 - iii. sufficient in size to permit free movement of the “allowed fowl”, (at least 2 square feet per bird in size.) The size requirements for the enclosure outlined in [6.07.1010 \(A\) \(4\)](#) do not apply. ~~An enclosure may smaller than one half acre in size~~
 - iv. located at least 20 feet from any residential structure occupied by someone other than the owner, custodian, or keeper.
5. The “allowed fowl” shall be shut into the coop at night, from sunset to sunrise.
6. During daylight hours the “allowed fowl” must have access to the coop and, weather permitting, shall have access to an outdoor enclosure on the permitted property, adequately fenced to contain the “allowed fowl” and to prevent access 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 “allowed fowl” to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their coop/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.

E. Special allowance for 4-H and FFA students.

~~— Student members of 4-H and FFA are permitted to keep one market sheep, one market goat or up to six market female chickens/poultry per program year (excluding those permitted by 6.07.1010 (D)) on a parcel that is less than one acre in size subject to the following requirements:~~

1. ~~A student participating in 4-H or FFA is allowed to keep one market sheep and companion animal, one market goat and companion animal or animal or up to six market poultry, in addition to poultry allowed by 6.07.1010(D), between April 1 and October 30, on a parcel smaller than one acre if they meet the requirements below.~~

2. ~~The student must obtain written consent from neighbors-residents on abutting properties whose property is abutting the property where the project animals will be kept is required prior to registering for the 4-H or FFA project. If any of the properties includes is a multi-dwelling parcel-unit, written consent is required from all the residents. If the subject or the property is not owned by the student's parents or guardians, written consent is also required from all residents and the property owner in addition to abutting neighbors.~~
3. ~~The student must register their 4-H or FFA project with Animal Control and submit the written consent document with their registration. The student should also retain a copy of the keep a copy of the written consent document and present it for inspection upon request by Animal Control personnel.~~
4. ~~The animal owner, custodian or keeper student must furnish a covered, predator-proof enclosure that is:~~
 - i. ~~Thoroughly ventilated,~~
 - ii. ~~Designed to be easily accessed, cleaned and maintained,~~
 - iii. ~~Kept cleaned and maintained,~~
 - iv. ~~Sufficient in size Large enough to permit free movement of the animals. The size requirements for the enclosure outlined in 6.07.1010 (A) (4) do not apply. — An enclosure may be smaller than one half acre in size,~~
 - v. ~~Located at least 20 feet from any residential structure occupied by someone other than the studentowner, custodian, or keeper.~~
5. ~~Stored feed must be kept in a rodent- and predator-proof predator-proof container or enclosure.~~
6. ~~If animal(s) are walked, exercised or allowed off the student's property, they must be leashed. Animal waste must be picked up and disposed of properly.~~
7. ~~It is unlawful for the owner, custodian, or keeper of any 4H or FFA market animals to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their coop/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. — The Animal Control Officer may issue orders to abate nuisance(s.) Failure to comply with orders constitutes a violation of this section.~~
8. ~~The provisions of 20.45.040 Accessory Structures for Livestock or Fowl are exempted for 4-H and FFA animals permitted in this subsection 6.07.1010(E.)~~

SEVERABILITY. If any section, subsection, sentence, clause, phrase or word of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, for any reason this code should be declared invalid or unconstitutional, then the remaining code provisions will be in full force and effect.

First reading and preliminary adoption on the _____ day of _____, 2022, by a vote of ___ ayes, _____; ___ Nays, _____; _____ Abstain, _____; and ___ Absent, _____

Second and final reading and on the _____ day of _____, 2022, by a vote of ___ ayes, _____; ___ Nays, _____; _____ Abstain, _____; and ___ Absent, _____

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

Jordan Hess
Mayor

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