

An ordinance amending Title 12 the Missoula Municipal Code, creating a new Subsection 12.40.035 E, titled "Trapping on City Parks, Trails, Conservation Lands" and amending Section 12.40.080 to allow for restitution for injury or death of a pet and authorizing Missoula Parks and Recreation Department to spring, release or confiscate animal traps or snares found within City Parks, Trails and Conservation Lands.

BE IT ORDAINED THAT Chapter 12.40, Sections 12.40.035 E is added and 12.40.080, of the Missoula Municipal Code ~~are is~~ amended as follows.

12.40.035 Parks, Trails, Conservation Lands – Public Safety.

D. Hunting Pursuant to Block Management.

~~4.~~ Hunting is not permitted in any city park, trail, or conservation land except when specifically designated in partnership with MT Fish, Wildlife and Parks as a Block Management area for limited archery access.

E. ~~2.~~ Trapping on City Parks, Trails, Conservation Lands

Trapping, including the use of any body-gripping trap or snare, is not permitted in any city park, trail, or conservation land, except for management as authorized by the Parks and Recreation Director, or their designee.

12.40.080 Enforcement and Penalties.

A. Enforcement shall be the responsibility of the Parks and Recreation Director or his or her designee, and shall include Parks and Recreation staff and other City employees acting within their official duties, including the Missoula Police Department or the City-County Health Department.

B. A person convicted of any violation of a provision of this chapter may be punished by a fine of not less than \$25 and not more than five hundred (\$500.00) dollars, and;

~~C.~~ Where the activity causes damage, including injury to or death of a pet due to an illegally placed trap, the cost to repair, restore, or mitigate the damage or injury shall be included in the sentencing order in addition to any fine imposed. Incarceration in a detention center shall not be a penalty for a violation of this chapter. City police officers are expressly authorized to cite and release violators of this Chapter.

~~D.~~ All enforcement personnel referenced in Subsection 12.40.080A shall be authorized to: confiscate and dispose of;

1. Confiscate and dispose of alcohol found on persons in violation of these provisions. ~~(Ord. 3641, 2019; Ord. 3136, 2000); and~~

2. b) Spring, release or confiscate animal traps or any animal body-gripping trap or snare, found located within City Parks, Trails or Conservation Lands. Found or confiscated traps will be reported and turned over to law enforcement for appropriate disposition.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance 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 ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

EFFECTIVE DATE

This ordinance will be effective 30 days from passage and adoption.

First reading and preliminary adoption on the 5th day of October, 2020, by a vote of:

Second and final reading and adoption on the ___ day of _____, 2020 by a vote of:

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor

(S E A L)