

ORDINANCE 147

AN ORDINANCE OF THE TOWN COUNCIL OF THE INCORPORATED TOWN OF DARBY AMENDING TOWN CODE SECTION 4, CHAPTER 2, REGARDING ANIMAL CONTROL.

WHEREAS; it is the duty of the Darby Town Council to provide a safe environment for citizens of the Town of Darby, and

WHEREAS; the Darby Town Code is designed to assist in the regulation, control and penalty for non-compliance, and

WHEREAS; complaints have been received and problems encountered by residents regarding the keeping of certain animals within the Town boundaries, and

WHEREAS; amendment to the Town Code is desired for adequate control and regulation of animals, and

WHEREAS; amendments shall be so noted in bold, italic print and deletions or changes shall be noted in 'strike through' print, and

WHEREAS; this ordinance shall be incorporated into the minutes of a regularly scheduled meetings of the Darby Town Council.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Incorporated Town of Darby that the following sections of the Town Code be amended to read:

SECTION 4 ~ CHAPTER 2
ARTICLE A. DEFINITIONS

4-2A-1: Definitions: As used in this chapter, the following words and terms shall have the meanings ascribed to them in this article:

- ADULT:** Any animal six (6) months of age and older.
- ANIMAL:** ~~Any living creature, domestic or wild, including feline and canine, that kept within the town.~~ ***Livestock, dogs, cats, rabbits, rodents, game animals, fur-bearing and wild animals, and poultry and other birds. 2009 (MCA 81-2-702(1))***
- AT LARGE:** Refers to any canine off the premises of the owner and not under the control of the owner or any other competent person either by leash, cord, chain, or otherwise.
- HARASS OR HARASSES:** Worry, chase or run after livestock ***any 'animal' or human*** in a manner that may lead subsequent injury to another human or animal
- IMPOUND:** To sequester an animal at a place provided by the town for the impounding of canines or other animals. Hamilton pound and shelter will be used by the Town of Darby.
- LEASH:** Cords, rope, chains or other similar devices of suitable strength to hold the animal to which it is attached.
- LIVESTOCK:** ***"Livestock" means cattle, horses, mules, asses, sheep, llamas, alpacas, bison, swine ostriches, rheas, emus, goats.***
- OFFICER:** For the purpose of dealing with animals, any law enforcement officer, policeman, pound-master, dog warden or any other legally authorized person(s).

Twenty-five (25) Turkey, chickens, ducks, geese, or other similar-sized fowl permitted- but they shall be confined to a pen, cage, or yard fenced with appropriate material to contain them at all times.

- F. *Small Animals & Fowl Limited: It shall be lawful for any person to keep or maintain a combined total of 12 (Twelve) turkeys, chickens, ducks, geese, or other similar sized fowl on any property, in the Town limits, less than 1.75 acres of 'open area' but they shall be confined to a pen, cage, or yard fenced with appropriate material to contain them at all times.*

**SECTION 4 ~ CHAPTER 2
ARTICLE B
SUBSECTION 4**

4-2B-4: Exceptions:

- A. *Temporary Exception: Exceptions may be allowed with a Council approved permit under the following conditions.*
1. *Rabbits may be allowed with a Council approved permit as established by Section 4, Chapter 2, Article B, Subsection, 5 Permits.*
 2. *Livestock may be allowed for entertainment events with a Council approved permit as established by Section 4, Chapter 2, Article B, Subsection, 5 Permits.*

**SECTION 4 ~ CHAPTER 2
ARTICLE B
SUBSECTION 5**

4-2B-5: Permit:

- A. *A Resolution of the Council will establish the permit form, requirements, application process and designate approval authority.*
- B. *Permits must be approved before 'animals' are brought to the property.*
- C. *Permits may be revoked/suspended by:*
1. *Violation of Code Ordinance or Regulation: Permits may be revoked or suspended whenever the Town Council determines the permittee has violated this Code, or any ordinance and/or code in any manner detrimental to the public health, morals or welfare of the community.*
 2. *Fraud or Misrepresentation: Violation of Federal or State Law: The Council may revoke or suspend any permit for fraud or misrepresentation in its procurement, or for a violation of any federal or state statute.*

SECTION 4 ~ CHAPTER 2
ARTICLE B
SUBSECTION 8

4-2B-8: Repealer:

- A. All resolutions, ordinances and sections of the Darby Town Code and parts thereof in conflict are hereby repealed upon the effective date of Ordinance 147.

SECTION 4 ~ CHAPTER 2
ARTICLE B
SUBSECTION 9


4-2B-9 Disclaimer:

- A. Nothing in this Chapter shall be construed to affect or repeal any other section, chapter, article or subsection of the Town Code not in conflict with Ordinance 147 including but not limited to those relating to nuisances, decay, animal control and animal care.

EFFECTIVE DATE

This ordinance shall be in full force and effect thirty (30) days after second and final passage of the Town Council.

PASSED by the Town Council of the Incorporated Town of Darby on first reading at a regular session thereof, on this 23rd day of March 2010.

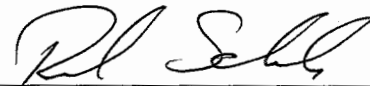


Mayor

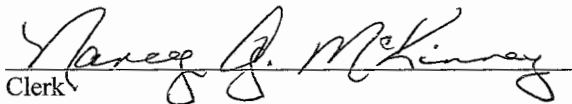


Clerk

PASSED, ADOPTED AND APPROVED by the Town Council of the Incorporated Town of Darby, at a regular session thereof, on this 13th day of April, 2010.



Mayor



Clerk