

ORDINANCE NO. 2013-01
AN ORDINANCE OF THE CITY OF COLSTRIP AUTHORIZING
CONDITIONAL USE PROCESS FOR MAINTAINING CHICKENS IN THE
CITY LIMITS

WHEREAS, the City of Colstrip has received public comment concerning the existing prohibition of maintaining chickens within most areas of the City limits; and

WHEREAS, the City of Colstrip has reviewed recent ordinances in other Montana communities allowing chickens within the city limits; and

WHEREAS, proponents of the permitting process believe they can maintain a small amount of chickens within the City limits of Colstrip without adversely affecting the neighborhoods or creating public nuisances; and

WHEREAS, the City has been advised by staff that there is resistance by some residents to allowing chickens within the City limits of Colstrip; and

WHEREAS, the City of Colstrip believes that the best approach is to allow a limited amount of chickens within the City limits of Colstrip, under the authorization of the Conditional Use Permit proposed under the City's zoning ordinances.

BE IT HEREBY ORDAINED by the City of Colstrip as follows:

1. **Authorization.** The City of Colstrip will implement an expedited conditional use permitting process allowing up to eight (8) chicken hens (female Gallus gallus domesticus) in areas zoned for single family dwelling areas.

2. **Permitting process.** Through the permitting process, the City of Colstrip will establish reasonable permitting conditions. The permit fee is twenty-five dollars (\$25.00) annually. Permitting conditions are subject to oversight by the City Council.

3. **Revocation of permit.** The City of Colstrip may, upon reasonable grounds of violations of the permit conditions, revoke such permit. The revocation must be in writing and identify the reasons the permit is being revoked.

4. **Appeal.** Any party believing that the basis for revocation was arbitrary or in bad faith may appeal that decision directly to the Mayor. The Mayor may reinstate the permit upon proof that the revocation of the permit was not in good faith.

5. **Maintaining chickens without permit.** Unless a permit under this section is obtained, maintaining chickens shall constitute a zoning violation, in accordance with Colstrip City Code.

6. **No changes to existing zoning code.** Nothing contained in this ordinance shall be deemed to be a change of any other section of the existing sections of the zoning code. This

section shall be construed solely as the allowing of chickens through the permit process, under the terms and conditions of this ordinance and the permitting conditions that are established.

PASSED the first reading on this _____ day of _____, 2013.

PASSED the second reading on this _____ day of _____, 2013.

EFFECTIVE this ____ day of _____, 2013.

ROSE HANSER,
Mayor for the City of Colstrip

ATTEST:

Michelle Richards, City Clerk/Treasurer