

## ORDINANCE NO. 2023-08

### AN ORDINANCE AMENDING HARDIN CITY CODE TO PROHIBIT FEEDING AND ATTRACTING ANIMALS

**WHEREAS**, the City Council of the City of Hardin desires to modify and change the City Code of Hardin, Montana to prohibit persons from feeding feral cats, dogs, and other nuisance animals, including wild animals;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA**, Title 6, Chapter 2, is amended with the addition of language (underlined) and removal of language (~~strikethrough~~), and renumbered as follows:

#### **6-2-12: ATTRACTING ANIMALS:**

- A. No person shall purposely place any edible item in a manner or position where such edible item shall be accessible to attract common pigeons, crows, blackbirds, other large flocking or wild non-game birds, game birds, or other animals that cause a nuisance as defined in this Chapter, including but not limited to feral or domestic cats, feral or domestic dogs, skunks, racoons, groundhogs, deer, other wild animals, vermin, or other similar animals whether wild, domestic or feral.
- B. Exceptions: The feeding of squirrels and small birds such as humming birds, song birds, or similar, is not prohibited so long as the feeder or container is elevated and of such design to minimize access by those animals defined in subsection A. Any feeder for this purpose must be at least five (5) off the ground.  
Any animal welfare organization, entity, or association which promotes animal care through a trap and spay/neuter or vaccination program for dogs or cats, and which is recognized or approved by the City, shall be exempt and may use traps with food. Individuals that are not part of a recognized or approved organization, entity, or association may not benefit from this exemption.  
This prohibition of feeding animals does not apply to animal owners feeding their own animals.
- C. Any and all food, whether for human or animal consumption, refuse or waste kept outdoors shall be stored in such a manner as to render the same inaccessible to any and all animals, birds, domestic pets, vermin, and wildlife.
- D. This ordinance may be enforced by the Hardin Police Department, the Code Enforcement Officer, or the Animal Control Officer.
- E. This section does not affect the Animal Control Officer's ability to trap or otherwise capture animals loose in the City using food as an attractant.

#### **6-2-123: PENALTY:**

Any person who violates any provision of this chapter shall be subject to the penalties set forth in title 1, chapter 8 of this Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

The surcharges of Section 1-8-3 shall apply to all violations of this chapter, except a surcharge of \$35 shall apply to violations of Sections 6-2-2, 6-2-3, and 6-2-5(A)


**DATE OF EFFECT.**

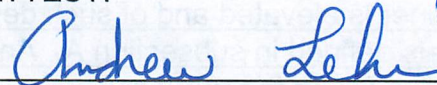
The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.

**FIRST READING AND PASSAGE** By a majority vote of the members present this 1<sup>st</sup> day of August, 2023.

YEAS 6

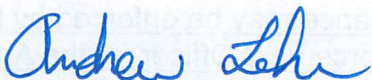
NAYS 0

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk



POSTED AND MADE AVAILABLE TO THE PUBLIC this 2<sup>nd</sup> day of August, 2023.

  
\_\_\_\_\_  
City Clerk

**SECOND READING AND PASSAGE** By a majority vote of the members

present this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk