

ORDINANCE 3330

AN ORDINANCE CREATING CHAPTER 6.02, MISSOULA MUNICIPAL CODE ENTITLED, “FEEDING OF CERTAIN WILDLIFE PROHIBITED” MAKING IT UNLAWFUL TO FEED, PROVIDE FEED OR OTHER ATTRACTANTS, EXCLUDING ORNAMENTAL PLANTS, VEGETABLE GARDENS AND PROPERTY HUNG FEEDERS, TO WILDLIFE WITHIN THE CITY LIMITS AND AUTHORIZING ANIMAL CONTROL TO ENFORCE THE CHAPTER.

BE IT ORDAINED THAT CHAPTER 6.02, MISSOULA MUNICIPAL CODE SECTIONS 6.02.010 THROUGH 6.02.070 IS HEREBY CREATED AS FOLLOWS:

Chapter 6.02

Feeding of Certain Wildlife Prohibited

Sections:

6.02.010 Purpose

6.02.020 Definitions

6.02.030 Conduct declared unlawful

6.02.040 Exceptions

6.02.050 Investigation and Complaints

6.02.060 Citations

6.02.070 Penalties—Fines

6.02.010 Purpose. Citizens of Missoula value wildlife and want to maintain healthy and wild populations of deer, bear, and other wildlife that are not dependent upon or hazardous to humans. Feeding deer, bear, and other wildlife results in artificially high concentrations of animals, increases human-wildlife conflicts, and compromises the health and safety of humans and wildlife.

6.02.020 Definitions. As used in this chapter unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:

- A. “Wildlife” means skunks, foxes, raccoons, bats, wolves, wolf-hybrids, bobcats, bears, mountain lions, deer, elk, and any other species of normally non-domesticated animals.
- B. “Animal Control Officer” means all peace officers as that term is defined in Montana state law as well as all duly appointed animal control officers and animal control supervisors appointed by either the city or county to carry out and enforce each entity’s respective animal control ordinances.
- C. “Attractant(s)” means any substance, including but not limited to, food, garbage, or salt lick, which draws wildlife to a particular location.
- D. “Feed” means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract Wildlife.
- E. “Feeding” means the depositing, distributing, or tending of feed in an area frequented by Wildlife.

6.02.030 Conduct declared unlawful.

- A. It is unlawful to feed, provide feed or other attractants, excluding ornamental plants, vegetable gardens and properly hung feeders, to wildlife within the city limits.

6.02.040 Exceptions

- A. It is legal to feed birds, other than waterfowl and upland game birds, utilizing a bird feeder that can be accessed only by birds. Birdfeeders that are accessed by other animals other than birds or squirrels are in violation.
- B. This ordinance is not intended to prohibit feeding livestock in normal agricultural operations.

6.02.050 Investigations and Complaints.

- A. Upon receipt of a complaint by one or more persons alleging the illegal feeding of wildlife, an animal control officer may investigate the complaint to determine if there has been a violation of this ordinance.

6.02.060 Citations.

- A. The animal control officer shall order the responsible party or parties providing feed and attractants to wildlife to stop the procedure immediately. A Notice of Violation (NOV) will be issued for a first offense.
- B. A repeat offense will result in a citation being issued.

6.02.070. Penalty-Fines.

- A. Each day an offense exists shall constitute a separate offense pursuant to this chapter. The City of Missoula Municipal Court judge shall assess animal violation fines as set forth in this section.
- B. All responsible party or parties found guilty of a first offense of this section shall be fined an amount of not less than Fifty dollars (\$50.00), with a \$100.00 fine for subsequent offenses.

Section 8.

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, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Section 9

Codification Instructions: This chapter shall be codified as 6.02 Missoula Municipal Code.

PASSED by 9 Ayes, 3 Nays, 0 Abstain, 0 Absent vote

APPROVED by the Mayor this 6th of November, 2006.

ATTEST:

APPROVED:

/s/ Martha L. Rehbein
 Martha L. Rehbein
 City Clerk

/s/ John Engen
 John Engen
 Mayor

SEAL