

**TOWN ORDINANCE NUMBER 30  
OF THE  
TOWN OF LIMA  
BEAVERHEAD COUNTY, MONTANA**

**LIVESTOCK ORDINANCE**

**WHEREAS**, the Town of Lima has the authority to regulate livestock and animals within the Town limits per MCA Title 7 Chapter 23; and

**WHEREAS**, the Town of Lima has realized the need to regulate livestock and animals within the Town limits.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Town of Lima as follows:

**Definitions of Terms**

**At Large:** off the premises of the owner or keeper of the livestock and not under the leash or voice control of a competent person.

**Food:** means any food materials or attractants, attractive for animal use, such as human, livestock and pet foods, garbage and refuse, livestock carrion, game meat, other edibles and/or garbage which is allowed to accumulate, or the residue thereof.

**Keeper:** used in connection with an animal means any person or persons, firm, association or corporation harboring domesticated animals with express or implied authority to control them.

**Livestock:** means cattle, horses, mules, asses, sheep, llamas, alpacas, bison, swine, ostriches, rheas, emus, goats, chickens.

**Large Livestock:** means horses, cattle, mules, sheep, goats, llamas, alpacas, bison, goats, or swine, regardless of age or sex.

**Owner:** when used in connection with an animal, means any person or persons, firm association or corporation, owning, keeping or harboring other domesticated animals.

**Premises:** means the dwelling occupied by the owner or keeper of livestock.

**Veterinarian:** means a doctor of veterinary medicine holding a valid license to practice his or her profession.

**Vicious Animal:** means an animal that approaches a person in an apparent attitude of attack upon streets, sidewalks, or public grounds when unprovoked; an animal that acts in a vicious and terrorizing manner towards a person; an animal that, without provocation, bites, attempts to bite, harass or chases any person; or bites, attempts to bite or harasses any animal.

**Control Of Animals**

Every person owning or having control (hereafter owner) of any domestic livestock in the Town of Lima shall keep the same within or upon his property at all times except when the owner accompanies the animal in

passing through public streets. When using public streets, the owner shall control the animal in order to prevent the animal from damaging or troubling any person or property.

### **Cleaning Up After Animals**

A person owning, harboring, possessing, or keeping any animal shall immediately remove and dispose of all feces left by the animal on public property or on private property not owned or lawfully occupied by the person. This section shall not limit the Town's authority to abate a public nuisance created by animal feces on private property owned or lawfully occupied by such person. **In the event an abatement is necessary, the owner or occupier of the property shall be responsible for costs associated with abatement.**

### **Standards For All Animals**

1. Livestock enclosures and shelters must be kept in working condition and must be cleaned on a regular basis so as to prevent offensive odors.
2. Livestock shall have reasonable access to adequate space, shade, windbreak, shelter, food and water.
3. Livestock shall be maintained in a healthy condition. All livestock shall either receive appropriate medical care or be culled.

### **Vicious Animals**

It shall be unlawful for any person to keep, harbor, or maintain any vicious livestock or other animals in the Town of Lima. **If the Town representative has probable cause to believe an animal has bitten an individual and the injured party was not trespassing, injuring or attempting to injure the person, family or property of the owner of the animal, the representative shall issue an order requiring the animal owner to surrender the same to a licensed veterinarian or animal shelter after service of the order. The order may be served by the representative.**

If any livestock or other animal, bites a person, the bite shall immediately be reported to the Beaverhead County Sheriff's Office and the Beaverhead County Public Health Department in accordance with Administrative Rules of Montana 37.114.571.

**The owner of a vicious animal shall be liable for damages that may be suffered if the animal bites a person without provocation while the person is in a public place or lawfully in a private place, including the property of the owner within town limits.**

### **Cruelty And Neglect To Animals**

Is unlawful for any person to willfully and cruelly inflict pain upon or injure any domestic animal or livestock. No person shall neglect animals, including but not limited to providing appropriate food, water, space, shelter and general well-being.

### **Large Livestock:**

No large livestock shall be kept in Town limits; except on property that is at least one (1) acre.

### **Slaughtering**

No livestock shall be slaughtered in public view.

## **Educational Livestock Projects**

Educational Livestock Projects will be approved on a yearly basis. 4-H and FFA members will be required to make written and oral application to the City Council, in part this application will require written permission from all neighboring property owners within 250 feet of any portion of the livestock pen, the member must be certified in Livestock Quality Assurance (LQA) and have a documented veterinary/client relationship established. Educational animals will be housed and kept within the LQA standards or the 4-H/FFA member will not be allowed to participate the following year in the project with an animal located within the city limits. Project animals will not be kept on a year-round basis; the length of the project will be stated in the application process. All breeding livestock projects must be housed outside of city limits.

## **Agricultural Education Project Animals**

Agricultural Education Project Animals housed at the Lima School will be exempt from this process as long as they meet the rest of the housing and care requirements.

## **Pre-Existing Livestock**

Livestock that have historically been kept within the town limits may be allowed until the status quo of the property owner or the pre-existing livestock changes. These animals will be reviewed on a case-by-case basis by the city council. A written plan of management must be presented to the council to claim pre-existing residence. All neighbors with adjacent property must be notified of the meeting where the pre-existing status will be discussed. No large livestock will be allowed unless they are residing in a parcel of bare land without a primary residence on it. All pre-existing statuses can be revoked at any time if there is credible animal welfare concerns by the city council. If the parcel of ground changes owners or the existing livestock are no longer in residence resulting from a death or a change in ownership the pre-existing status is no longer valid, and no new livestock will be kept on that parcel of land.

## **Nuisance**

It shall constitute a nuisance for any livestock to destroy property, bite or chase after persons not trespassing on the property of the livestock's owner, or for any animal to cause annoyance or disturbance to any person by prolonged vocalizations, routinely leaving property or by creating a substantial offensive odor. It is unlawful for any person to willfully or negligently allow any livestock to be a nuisance as specified in this section.

## **Process and Penalty**

Upon receiving a complaint of a possible violation of this ordinance, a designated Town representative shall investigate and determine if a violation of this chapter has occurred. If the representative determines that a violation has occurred, the representative may serve upon the owner or occupier of the property a warning and directive to take immediate corrective action, or the representative may issue a violation notice and citation.

It shall be unlawful and punishable by a fine not to exceed \$500 for any person to violate this ordinance. Said person may also be responsible for the cost of repairing any damages caused by their animals, any vet fees or Town staff time. Fines shall be set via resolution.

Upon conviction, any person or the owner of livestock that was in violation of this ordinance may be ordered by the court to pay restitution for the value of any damage inflicted by the livestock upon other animals, pets,

persons, and/or property, including livestock, to the person or owner of the damaged animal, pets, and/or property, including livestock. Upon good cause shown by the convicted person or animal owner, the court may modify restitution ordered by the court based on the information presented. Restitution must be made prior to the release of the court's jurisdiction over the convicted person. The Court may order the euthanization or destruction of a vicious animal.

Should any court declare any part of this ordinance unconstitutional or invalid, the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid, shall remain in effect.

**THIS ORDINANCE SHALL TAKE EFFECT 30 DAYS AFTER SECOND READING AND APPROVAL**

**Date of First Reading and Approval:**

**PASSED BY THE TOWN COUNCIL OF THE TOWN OF LIMA, MONTANA, this \_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
Mayor David D. Olsen

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Dina Young, Town Clerk

\_\_\_\_\_  
Date

**Date of Second Reading and Approval:**

**PASSED BY THE TOWN COUNCIL OF THE TOWN OF LIMA, MONTANA, this \_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
Mayor David D. Olsen

\_\_\_\_\_  
Date

**ATTEST:**

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Date