

DRAFT 6/17/15

Note: The following would not be in the zoning ordinance but rather in either Chapter 531 Animals or a new Chapter under Licensing (e.g. Chapter 838 Personal Livestock).

Article I. Personal Livestock License

Sec. 8XX-101. License required; license term.

- a) It shall be unlawful to keep beehives or personal livestock in excess of the quantities or on a smaller lot than indicated in Sec. 743-306 of the Code without a valid license for personal livestock.¹ This license requirement does not apply to bona fide agricultural enterprises.
- b) The only species eligible for authorization by this license shall be those indicated in Sec. 743-306 of the Code.
- c) The license shall be personal to the holder and is not transferable.
- d) The license shall be valid only for the lot identified in the license and is not transferable.
- e) The fee for license shall be provided in accordance with Section 131-501 of the Code.
- f) The term of a license shall be for 2 years commencing on the date of issuance and shall expire at 12:01 o'clock a.m. on the same calendar day of the second following calendar year.

Sec. 8XX-102. Inspection; Issuance; Enforcement.

- a) Before the issuance of a license or renewal of a license under this chapter, the license administrator may cause an inspection of the premises to be made by the animal control division to determine whether the provisions of this chapter are met. The animal control division shall report its findings to the license administrator.
- b) The license administrator shall issue or renew a license upon demonstration that:
 1. Provisions of this Chapter are fulfilled; and
 2. Adequate provisions and standard of care can and will be provided for the animals; and
 3. Adequate provisions are provided mitigating any impacts upon adjoining properties; and
 4. Beehives and livestock quantities are exclusively for personal use; and
 5. The caretaker is responsible and knowledgeable regarding the care of the animals sought to keep.
- c) The provisions of this section shall be enforced by the license administrator, and by the animal control division as provided in Article VI of Chapter 531 of the Code.

Sec. 8XX-103. Information required.

- a) In addition to the information required by Section 801-203 of the Code, the applicant shall provide the following information to the reasonable satisfaction of the license administrator:²
 1. List of all species and maximum quantity of animals to be covered by the license;
 2. Scale drawing of the lot upon which the animals are to be kept indicating all structures; location and size of outside exercise areas, pens, or pastures; fencing; animal housing and shelter provisions; and waste facilities;
 3. Drawing or photograph of animal housing and description such as size and construction materials;
 4. Description and drawing or photograph of waste facilities;
 5. Feeding schedule for animals;
 6. Breeding schedule;
 7. Slaughter schedule and provisions;
 8. Documentation demonstrating that the applicant has notified all adjacent property owners and residents at least 21 days prior to approval that a license has been applied for and the notification indicates the species and maximum quantity of animals.

¹ Rephrased.

² Added "to the reasonable satisfaction of the license administrator" for flexibility.

- b) The license administrator may request additional information from the applicant to demonstrate that provisions are met and that the applicant is knowledgeable regarding the care of the animals sought to keep.

Sec. 8XX-104. License Approval.

In evaluating an application for an initial license or a license renewal, the license administrator shall consider the required information submitted, the maintenance and sufficiency of facilities and provisions, any evidence ascertained through inspections of the property, through the submission of evidence regarding nuisances or conditions that are unsafe or unsanitary, and any recorded violations. The license administrator may deny a license on consideration of such evidence.

Article II. Requirements and Restrictions for Personal Livestock.

Sec. 8XX-201. Requirements and Restrictions.

- a) Caretaker or owner of the animal must reside on the same lot as the animal.
- b) Animals must be for the personal use of the caretaker or owner.
- c) Reasonable care of the animals must be afforded in all aspects including proper handling, restraining, sheltering, exercise, grooming, nutrition, watering, parasite management, and veterinary care for the species of animal kept. Industry or breed standards for the breed and type of animal may be used to determine whether reasonable care is being provided. Poor condition or health in the absence of veterinary supervision is prima facie evidence of a violation.
- d) Fencing or walls must confine the animal on-site and in the housing or pen area must be provided and must be at least 4 ft. in height.
- e) Odors from the animals or from animal waste must not be discernible at any property line.
- f) Clean water must at all times be present and available for the animals.
- g) Feed must be animal-appropriate and stored in such a manner as to prohibit contamination by moisture, mold, and insects and to restrict access by rodents.
- h) Animals must not be kept tethered without supervision.
- i) Large Animal breeding must occur indoors, after dark, or within an opaque-fenced area.³
- j) Slaughter must be limited to personal livestock and must be conducted within a completely screened area. Remains must be disposed of and removed from the site within 24 hours.

Sec. 8XX-202. Housing and Pens.

- a) Housing must provide shade and dry shelter, must be well-ventilated and have at least three fully-enclosing sides with the opening situated away from the direction of prevailing winds. The housing must be fully enclosed (or enclosable) by a door if this is necessary to maintain condition and protect the type and breed of animal from adverse and winter weather.
- b) Pen space and pasture must not be located in the front yard. Coop, pen, shelter, roost, hutches, and other shelter for animals must not be located in a front yard and must meet setbacks required in the zoning district.
- c) Minimum size of housing and pen area requirements must be provided in accordance with the following Table:⁴

³ Added differentiation of Large Animal

⁴ Added table number and name

Table 8XX-202: Housing and pen area requirements

Domesticated Animal	Minimum Required Housing Per Adult Animal	Minimum Required Pen Space Per Adult Animal (in addition to housing)
Rabbits⁵	<ul style="list-style-type: none">● Minimum cage size of 3 sq. ft. providing at least 1 sq. ft. of floor space for every 2 lbs. of rabbit● Minimum cage height of 14 in.	Not applicable, although exercise opportunities should be provided sufficient to maintain a reasonable standard of care for the animal.
Poultry	<ul style="list-style-type: none">● Coop must provide a minimum floor space of 1 sq. ft. per poultry up to 5 lbs. Poultry over 5 lbs. require 5 sq. ft. plus one additional sq. foot for every 5 lbs. of bird weight● 1 linear foot of appropriate diameter roosting bar per bird is required.● 1 nest box per 5 birds is required.● Coops should be secure from predators, including top and bottom.● Roosters shall not create a nuisance and no more than one rooster per 12 hens shall be maintained.● Roosters must be confined to an enclosed coop from dusk until dawn.	<p>Outdoor run of 2 sq. ft. per adult bird up to 5 lbs. is required as an additional exercise area. Poultry over 5 lbs. require 10 sq. ft. plus 2 additional sq. ft. for every 5 lbs. of bird weight.</p> <p>Poultry cannot typically be expected to obtain all necessary nutrients from free-ranging in an urban setting, especially where soil contamination may be present. Therefore appropriate feedstuffs must be provided to maintain condition of the animal.</p>

⁵ Based upon the American Rabbit Breeders Association and the Animal Welfare Act Standards of Care.

Table 8XX-202: Housing and pen area requirements

Domesticated Animal	Minimum Required Housing Per Adult Animal	Minimum Required Pen Space Per Adult Animal (in addition to housing)
<p>Standard-size Sheep & Goats⁶</p>	<ul style="list-style-type: none"> • At least 15 sq. ft. of bedded area is required per sheep or goat. Bedded area must be dry. • No fewer than 2 sheep or goats are to be kept in a housing area or pen except during birthing (kidding or lambing) or during quarantine. 	<p>Pen space of 500 sq. ft. is required for each 2 standard-sized female goats or sheep in addition to housing space. A minimum of 100 additional sq. ft. of pen space is required for each additional animal over 6 months of age.</p> <p>If pasture is to be the primary food source, a minimum of ½ acre of appropriately maintained pasture per goat or sheep is required.</p> <p>Unless at least a ¼ acre of pen space that is setback 20 ft. from a lot line and at least 100 ft. from any dwelling (not including the caretaker's residence) exists for the keeping of goats, male goats over the age of 18 months may not be kept unless they are wethered (neutered). If such pen area is provided, a maximum of 2 intact male goats over the age of 18 months may be allowed but must not create a nuisance.</p>
<p>Miniature / Dwarf / Pygmy Goats⁷ (Dwarf or pygmy or miniature goats must meet the height specification for the dwarf or pygmy or miniature breed, otherwise the animal will be considered a standard-sized goat)</p>	<ul style="list-style-type: none"> • At least 8 sq. ft. of bedded area is required per miniature or dwarf goat. Bedded area must be dry. • No fewer than 2 goats are to be kept in a housing area or pen except during birthing (kidding) or during quarantine. 	<p>Pen space of 200 sq. ft. is required for 2 miniature or dwarf goats in addition to housing space. For each additional miniature or dwarf goat over 6 months of age, an additional 50 sq. ft. of pen space is required.</p> <p>If pasture is to be the primary food source, a minimum of ¼ acre of appropriately maintained pasture per miniature or dwarf goat is required.</p> <p>Unless the pen space is setback 20 ft. from a lot line and at least 100 ft. from any dwelling (not including the caretaker's residence) exists for the keeping of goats, male goats over the age of 18 months may not be kept unless they are wethered (neutered).</p> <p>If such pen area is provided, a maximum of 2 intact male goats over the age of 18 months may be allowed but must not create a nuisance.</p>

⁶ Based upon American Dairy Goat Assoc. (www.adga.org).

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Table 8XX-202: Housing and pen area requirements

Domesticated Animal	Minimum Required Housing Per Adult Animal	Minimum Required Pen Space Per Adult Animal (in addition to housing)
Standard-size Equine (horse, mule, donkey)	<ul style="list-style-type: none">• Minimum stall space of 10 ft. by 10 ft. is required but the space must also be reasonable for the size of the equine so confined.	Minimum pen space of 1 acre is required for 1 standard-size equine. For each additional equine over 1 year of age, an additional ½ acre per equine of pen space is required. If pasture is to be the primary food source, at least 1 acre of appropriately maintained pasture is required per equine.
Miniature Equine (horse, mule, donkey) and Lamoids (alpacas & lamas)	<ul style="list-style-type: none">• Minimum stall space shall be 6 ft. by 8 ft. but must also be reasonable for the size of the equine or lamoid so confined.	Minimum pen space of ½ acre is required for 1 miniature equine or lamoid. For each additional equine or lamoid over 1 year of age, an additional 1/3 acre per animal of pen space is required. If pasture is to be the primary food source then a minimum of ½ acre of appropriately maintained pasture is required per miniature equine or lamoid.

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