

**AN ORDINANCE ADOPTING RESIDENTIAL AGRICULTURE, FARM  
ANIMAL AND DOMESTIC ANIMAL REGULATIONS  
TOWN OF BLUFF ORDINANCE #2019-\_\_\_\_\_**

- a. The Town of Bluff finds that the preservation of the rural, small town nature of Bluff is a value worth preserving.
- b. The proliferation of exterior lighting can result in negative impacts upon adjacent property owners and diminution of the quality of life.
- c. Excessive exterior lighting constitutes a waste of energy resources. Therefore, the Town enacts new Chapter **X.X** to its municipal code as follows.

**Chapter **X.X**  
RESIDENTIAL AGRICULTURE, FARM ANIMAL AND DOMESTIC ANIMAL  
REGULATIONS**

**X.X.010 PURPOSE AND INTENT.**

The purpose of this chapter is to allow agriculture and the keeping of farm animals on a small scale for personal, noncommercial use or limited on site commercial use. The regulations in this chapter are intended to allow small scale agriculture and animal use for personal enjoyment, local food production, and sustainability.

The intent is to establish the standards and criteria by which farm animals may be kept within the town of Bluff. The town recognizes that farm animals are inextricably associated with certain noise, sight, and smell nuisances that are generally unacceptable in urban areas. However, the town also recognizes the importance of maintaining its rural heritage and the traditional values associated with that heritage, as well as protecting animal welfare. It is with this purpose, to preserve the rural heritage of the community, that this ordinance is enacted.

**X.X.020 APPLICABILITY.**

This chapter applies to the keeping of animals and the use of property for agriculture in the residential, agricultural, and commercial, as well as in the public use zone to the

extent specifically allowed therein. It is understood that larger agricultural properties may support more animals than mentioned in this document.

### **X.X.030 DEFINITIONS:**

**ANIMAL PROCESSING PLANT:** Facility where animals are processed from slaughter to packaging for sale.

**ANIMALS SMALL:** rabbits, chickens, ducks, geese, and turkeys

**ANIMALS MEDIUM:** Goats and sheep

**ANIMALS LARGE:** horses, ponies, cows, mules, burros, llamas, and pigs

**COOP, HENHOUSE, CHICKEN COOP:** a structure for housing poultry

**COMMERCIAL POULTRY FARMING:** raising poultry for the express purpose of farming meat or eggs for food to be sold.

**DANGEROUS DOGS:** Means a dog with a known propensity for or history of unprovoked attacks against or intimidation of people or animals, as determined by the animal control officer.

**DOMESTIC ANIMALS:** Means animals normally kept as pets by humans such as dogs, cats, and birds.

**ENCLOSURE:**

a. For fowl/poultry means a fenced or sturdy wire pen containing a coop that allows domestic fowl access to the coop while remaining in an enclosed pen; no free range fowl.

b. For all other animals, enclosure means any structure or fence of sufficient strength and heights to prevent an animal from escaping its primary confines

**FARM ANIMALS:** All animals other than household pets defined as small, medium, or large animals.

**FEEDLOT OR FEED YARD:** type of animal feeding operation (AFO) which is used in intensive animal farming for finishing livestock prior to slaughter.

**FOWL/POULTRY:** chickens, roosters, turkeys, ducks, geese .

**NUISANCE:** either of the following activities of animals:

1. Animal noises that are loud, continuous and regularly disturb neighbors' ability to enjoy their property.

2. Trespass on private property
3. Odors or offensive or noxious smells

NURSING PAIR: The nursing pair counts as one animal until weaned.

**X.X.040 GENERAL AGRICULTURE, FARM ANIMAL, and DOMESTIC ANIMAL REGULATIONS:**

- A. Agriculture and the keeping farm animals are allowed for personal use and the enjoyment of the owner or occupant of the property. The agriculture or farm animal use in residential and commercial zones may not constitute a commercial enterprise in and of itself. However, agriculture may be used in conjunction with onsite commercial uses in the commercial zones. Further, nothing in this chapter is intended to prohibit the sale of excess agriculture, eggs or honey to local residents or at a local farmers' market subject to all applicable state and federal regulations. Feedlots, animal processing plants, and commercial poultry farming enterprises are expressly prohibited within the town boundaries of Bluff in all zones in all zones.
- B. Agriculture or the keeping of farm animals may not create a nuisance on any adjacent property. The property owner or occupant must take measures to protect adjacent properties from animal waste and unreasonable odors, noises, etc.
- C. Animal Care
  - a. No owner shall fail to provide his or her animals with sufficient, proper and wholesome food and water, proper shelter, sanitation and protection from the weather and veterinary care when needed to prevent suffering.
  - b. A person commits cruelty to animals if he or she intentionally or knowingly:
    - i. Tortures or seriously over works an animal;
    - ii. Fails to provide necessary food, care or shelter for an animal in his or her custody;
    - iii. Abandons an animal in his or her custody;
    - iv. Transports or confines an animal in a cruel manner;
    - v. Kills, injures or administers poison to an animal without legal privilege;
  - c. No person shall leave an animal inside a hot automobile in hot weather to

cause suffering or death.

- d. Animal Cruelty Utah Code 76-9-301 provides the enforcement of anti-cruelty legislation.

#### **X.X.050 FARM ANIMAL REGULATIONS:**

- A. Allowed Zones: Small, Medium and Large Animals held for noncommercial purposes are allowed in all zones unless restricted by private development agreements, covenants, or other legally binding contracts.
- B. Maximum Number Allowed in Residential: There shall be a maximum of two (2) large animals like horses or pigs or cattle or llamas, etc. per acre; or a maximum of four (4) medium animals like sheep or goats per acre; or a combination not to exceed 4 total large and medium animals per acre provided each animal has a sufficient and secure animal habitation area.

#### **X.X.050.A BEES:**

The keeping of honeybees on a property may be allowed in all zones.

#### **1501.5.B Animal Structures and Containment:**

Barns, coops, stables, fences, enclosures, and corrals are to be constructed with a height and strength that safely contains and protects the animals.

Livestock and poultry shall be housed and fed in a suitable structure or enclosure detached from the residence.

#### **X.X.060: TRESPASS; NUISANCE ANIMALS:**

- A. Revocation of Privilege: If animals within the town limits are creating a nuisance, and complaints are brought before the Town Council, it may be determined by the Town Council that the animal privilege may be revoked if corrective action is not taken by the animal owner.
- B. No person owning or in control of any livestock or poultry shall allow such livestock or poultry to enter or trespass upon private or public property without the express permission of the owner or caretaker of such property.
- C. The keeper of any livestock, poultry, and domestic animals shall remove all soiled waste, food, bedding, and other debris to eliminate accumulation of insects, rodents, or disease and to eliminate noxious or offensive odors. A properly maintained compost pile is allowed for animal waste products.

D. Violations; Corrective Actions: It may be determined by the Town Council any or all of the following corrective actions may be imposed upon the livestock, poultry, or domestic animal owner or persons responsible for the animal:

1. A fine of up to \$\_\_\_\_.00 could be charged to the owner or responsible person in care of the livestock, poultry or domestic animals.

2. Animals could be impounded and the owner or responsible person of the animal/poultry must pay an impound fee as established by the town for each day the animal is impounded and any other expenses that may occur, i.e. feeding, transportation, time spent collecting the animals. If there is evidence that the animal has been allowed to run loose, with no effort of restraint, a law enforcement officer may be asked to impound the animal.

E. Unclaimed: If the animal/poultry is not claimed, the town may sell the animal to cover the cost incurred.

F. Reimbursement For Damages: The owner or responsible person in charge of the animal/poultry will be responsible for reimbursing the property owner for any damages on the property caused by the animal.

G. Housing By Property Owner: If the property owner has a space to pen up the animals they may do so and ask the owner or person in charge of the animals/poultry to pay a housing fee.

H. The feeding of feral cats is discouraged and food left out for feral cats is subject to removal by a Town Official.

I. Free roaming domestic animals can be determined a nuisance if consistently trespassing and causing damage on neighboring properties.

**X.X.070 DANGEROUS ANIMALS:** Dangerous animals including dogs are prohibited. See 6.04.320 Dangerous Dogs–Prohibited of the San Juan County Code.

THIS ORDINANCE was approved by the affirmative vote of a majority of the Town Council of the Town of Bluff this \_\_\_\_ day of \_\_\_\_\_, 2020. This ordinance shall take effect immediately upon passage.

By: \_\_\_\_\_  
Mayor Ann Leppanen

\_\_\_\_\_  
Date

Attest:

By: \_\_\_\_\_  
Recorder

\_\_\_\_\_  
Date

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