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AN ORDINANCE ADOPTING RESIDENTIAL AGRICULTURE, FARM ANIMAL AND DOMESTIC ANIMAL REGULATIONS TOWN OF BLUFF ORDINANCE #2020-_____

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 keeping domestic animals, 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 all zones to the extent specifically allowed therein.

X.X.030 DEFINITIONS.

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

ANIMALS SMALL: rabbits, chickens, ducks, geese, turkeys, and related species

ANIMALS MEDIUM: goats, sheep, and related species

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

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

COMMERCIAL POULTRY FARMING: raising poultry for the express purpose of selling animal products or by products

DANGEROUS DOG: dog with a propensity for or history of unprovoked attacks against or intimidation of people or animals, as determined by the Town Council, law enforcement officer, or appointed animal control officer

DOMESTIC ANIMALS: 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.
- b. For all other animals, enclosure means any structure or fence of sufficient strength and height 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, and related species

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: a mother and baby animal until the baby is weaned

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

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- A. Agriculture and the keeping of farm animals are allowed for the personal use and 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 and agricultural zones.
- B. Nothing in this chapter is intended to prohibit the sale of personal excess agriculture, eggs, honey, or the like, to local residents or at a local farmers' market subject to all applicable local, state, and federal regulations.
- C. Feedlots, animal processing plants, and commercial poultry farming enterprises are expressly prohibited within the town boundaries of Bluff in all zones.
- D. 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.
- E. Animal Care
 - a. No owner shall fail to provide his/her/their animals with sufficient, proper, and wholesome food, 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; or
 - ii. Fails to provide necessary food, water care, or shelter for an animal in his or her custody; or
 - iii. Abandons an animal that is in his or her custody; or
 - iv. Transports or confines an animal in a cruel manner; or
 - v. Kills, injures, or administers poison to an animal without legal privilege.
 - c. No person shall leave an animal inside a hot/cold automobile which could cause suffering or death.
- F. The trespass of free range fowl is prohibited.

X.X.050 FARM ANIMAL REGULATIONS.

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- 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 and Commercial Zones: 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.
Example: 2 horses and 2 sheep, or one horse and 3 sheep per acre.
- C. A nursing pair counts as one animal until weaned.

X.X.050.A BEES.

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

X.X.050.B Animal Structures and Containment:

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

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1. A fine may be charged to the owner or responsible person in care of the livestock, poultry or domestic animals.

2. Animals may be impounded and the owner or responsible person of the animal/poultry must pay an impound fee as established by the Town Council 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.

3. Nuisance Animals may be impounded by the Town of Bluff appointed animal enforcement officer. The animal's owner will be responsible for all costs associated with capture and release of said animal. The Town of Bluff will provide a written warning by the animal enforcement officer. After three warnings, the animal may be confiscated.

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 trespassing animal(s), they may do so and ask the owner or person in charge of the animals/poultry to reimburse for all documented expenses for animal care.

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 and farm animals can be determined to be a nuisance if consistently trespassing, causing a disturbance, or causing damage on neighboring properties.

X.X.070 DANGEROUS ANIMALS.

Dangerous animals, including dogs, are prohibited and subject to removal by a Town appointed animal enforcement officer.

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.

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By: _____ Date _____
Mayor Ann Leppanen

Attest:

By: _____ Date _____
Recorder

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