

Chapter 21

ANIMAL ZONING REGULATIONS

10-21-1: DESCRIPTION AND PURPOSE:

10-21-2: AGRICULTURAL ANIMALS:

10-21-3: AGRICULTURAL ANIMALS AS PETS:

10-21-4: APIARIES:

10-21-5: EXOTIC OR WILD ANIMAL REGULATIONS:

10-21-1: DESCRIPTION AND PURPOSE:

To adequately address the keeping of exotic, or wild, animals in cooperation with the policies and procedures of the Idaho departments of agriculture and fish and game, to redefine the care and keeping of agricultural animals and allowing the same as pets, and finally, to foster the uniform regulation and proper management of honeybees in Nampa in a manner which promotes the public interest and safety (by minimizing any potential adverse impacts on residential areas but recognizing that bees are essential for pollination of residential gardens as well as commercial crops, this is accomplished). The following regulations and section 10-3-2, "Schedule Of District/Zone Land Use Controls", subsection 10-1-12A12, and section 10-1-20 of this title apply in reviewing animal related issues and classification by size. (Ord. 2729)

10-21-2: AGRICULTURAL ANIMALS:

- A. For agricultural animals to be kept on a lot, the lot shall have a minimum area of thirty thousand (30,000) square feet. The number of animals allowed¹ shall be limited to one "large" animal per ten thousand (10,000) square feet or two (2) "medium sized" animals per ten thousand (10,000) square feet. This land area requirement of ten thousand (10,000) square feet per "large animal" or per two (2) "medium sized" animals shall refer to open pasture, grazing or similar space and thus, shall exclude all structures except for barns, stables, and like structures or covered enclosures serving animal husbandry, milking, or processing needs. Combinations of large or medium animals on a lot may be allowed based on equivalent animal density. Variances to the foregoing standards shall be processed and evaluated according to subsections 10-24-2A1 through A5 of this title. The requirement listed herein does not apply to agricultural animals as pets. See section 10-21-3 of this chapter for requirements related to agricultural animals as pets. (Ord. 4159, 1-20-2015)
- B. Buildings, runs, pens, enclosures, stables, and corrals (not perimeter fencing) housing agricultural animals or their tack, feed, or equipment shall be set back at least thirty feet (30') from any property line(s) and shall be at least fifty feet (50') from any residential structures, and may not be located within any required front yard setback. The requirement listed herein does not apply to agricultural animals as pets. See section 10-21-3 of this chapter for requirements related to agricultural animals as pets.
- C. Provision must be made for a viable method of twice monthly disposal of manure so as to prevent obnoxious odors and the accumulation of flies from intruding into adjacent properties. (See regulation in subsection 10-1-9F of this title.) The requirement listed herein does not apply to agricultural animals as pets. See section 10-21-3 of this chapter for requirements related to agricultural animals as pets.

D. Agricultural animals shall not be permitted in the required front yard area of a home. The requirement listed herein does not apply to agricultural animals as pets. See section 10-21-3 of this chapter for requirements related to agricultural animals as pets. (Ord. 4070, 10-7-2013)

10-21-3: AGRICULTURAL ANIMALS AS PETS:

Certain animals normally defined/classified as "agricultural" per this title may be kept, in limited quantity, as pets on single-family residential properties within the residential zones (RA, RS, RD, RML, RMH and RP) as specified in the table in section 10-3-2 of this title and also in accordance with the following provisions:

- A. Said animal(s) shall not include certain animal types identified/classified or otherwise defined as "agricultural" by virtue of this title including bees (regulated separately under the apiary section), roosters, peacocks, horses (see miniature types as noted below), goats, sheep, donkeys, mules, llamas, alpacas, emus, ostriches, rheas, or turkeys.
- B. Regardless of lot size, the number of agricultural animals allowed as pets shall be in addition to the number of dogs (or potbellied pigs) allowed per lot.
- C. Regardless of Residentially zoned property (lot/parcel) size, the following agricultural animals shall be allowed as pets with the maximum number allowable noted after the notation of type of animal (note that offspring under 9 months of age do not count as part of or against the maximum number allowed):

| | |
|--|----------------------------------|
| Chickens (no roosters) | 10 |
| Ducks | 2 |
| Miniature horses/pygmy goats | 1 |
| Potbellied pigs | See subsection D of this section |
| Rabbits or similar (e.g., chinchillas) | 4 |

In no case, however, shall a property owner care and keep a combination of more than three (3) of the above animal types. In other words, a property owner might have ten (10) chickens, four (4) rabbits, and one miniature horse - besides any pet dogs/potbellied pigs they might choose to keep. (Ord. 4070, 10-7-2013)

- D. A residence may have a maximum of two (2) potbellied pigs, and the aggregate number of pigs and dogs they are allowed shall not exceed two (2). (Ord. 4428, 4-15-2019)
- E. Qualifying agricultural animal(s) kept as pets and their living environment(s) shall be kept/maintained in a healthy, nuisance free condition. The animal(s) owner(s) shall be guilty of allowing an animal to become a nuisance if and when the animal(s) are allowed by them to make excessive, continuous or untimely noise; or to molest passersby; or to chase vehicles; or to habitually attack other animals; or trespass upon public or private property in such a manner as to damage the property or are kept in living conditions that are either not safe and/or unhealthy (e.g., where excessive accumulation of animal feces is present, etc.).

- F. Buildings, runs, pens, enclosures, stables, and corrals (not perimeter fencing) housing miniature horses or potbellied pigs or their tack, feed, or equipment shall be set back at least thirty feet (30') from any property line(s) and shall be at least fifty feet (50') from any residential structures, and may not be located within any required front yard setback.
- G. Buildings, runs, pens, enclosures, stables, and corrals (not perimeter fencing) housing chickens, ducks, rabbits or similar (e.g., chinchillas) or their tack, feed, or equipment shall be set back at least five feet (5') from any property line(s), and may not be located within any required front yard setback.
- H. Provisions must be made for a viable method of disposal of manure so as to prevent obnoxious odors and the accumulation of flies from intruding into adjacent properties. (See regulation in subsection 10-1-9 F of this title.)
- I. No person shall permit any agricultural animal to run at large within the corporate limits of the City. (Ord. 4070, 10-7-2013)

10-21-4: APIARIES:

It shall be unlawful for any person to keep bees or maintain an apiary in the City except under the following conditions:

- A. Conditions:
 - 1. No more than two (2) hives to every parcel or lot of land under ten thousand (10,000) square feet or fraction thereof provided that for every ten thousand feet (10,000') in excess of the initial ten thousand (10,000) there may be one additional hive;
 - 2. No hive shall be kept or maintained within twenty-five feet (25') of any property line of the lot or parcel upon which it is situated, except where:
 - a. There is a solid barrier through which bees cannot fly, at least six feet (6') in height, separating the beehives from adjoining properties;
 - 3. Apiaries shall be managed and kept in a clean and orderly manner and appearance;
 - 4. Hive entrances shall not be oriented so as to direct bee flight in the vicinity of patios, decks, balconies or entrances to living spaces on adjoining properties; and
 - 5. The apiary use has been approved as an agricultural use in the zone.
- B. Enforcement:
 - 1. Enforcement actions involving apiaries may be conducted by a more appropriate regulatory agency (not necessarily by planning and zoning or its associated code enforcement division) if so delegated by the director. (Ord. 2729)

10-21-5: EXOTIC OR WILD ANIMAL REGULATIONS:

The following standards shall apply to the keeping of certain animals in any city zoning use district:

- A. Animals not listed in the agricultural, exotic, or pet animal definitions in section 10-1-2 of this title, and whose presence in an area may reasonably constitute a nuisance or danger to humanity, property, or other protected wildlife, may be allowed only by issuance of a conditional use permit.
- B. All "wild" animals are prohibited (unless classified as "domestic pets"), except when located in properly zoned land, and are registered and/or licensed by Idaho fish and game (e.g., as a commercial game farm, rehabilitation person or center, birds of prey center, or zoo), or unless specifically approved by a conditional use permit in accordance with subsection A of this section. This section shall not apply to a circus, carnival, fair, or similar exhibition as licensed by the city clerk. Enforcement actions involving exotic animals may be conducted by a more appropriate regulatory agency (not necessarily by planning and zoning or its associated code enforcement division) if so delegated or requested by the planning director.
 - 1. The following criteria shall be used for evaluating the allowance of wild animals:
 - a. The keeping of the animal(s) does not pose a clear nuisance and/or present danger.
 - b. The animal(s) is/are not a threatened and/or endangered species or otherwise protected by federal, state, or local legislation.
 - c. The animal(s) is/are kept by a licensed/accredited organization or individual specifically trained in the keeping of said animal. The types of licenses as meant by this section include, but are not limited to: a commercial wildlife farm license, a game park license, a rehabilitation license, or a domestic cervidae license. (Ord. 2729)