ORDINANCE NO. 2015-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, BY DELETING TITLE 6, *POLICE REGULATIONS*, CHAPTER 6-03, *ANIMALS,* IN ITS ENTIRETY AND ADOPTING REVISED CHAPTER 6-03, *ANIMAL KEEPING*; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council of the City of Flagstaff believes it is in the best interest of the City to allow City residents to keep certain animals as a healthy and affordable source of food, fiber, and labor;

WHEREAS, the City Council has determined that Chapter 6-03 of the City Code regarding animal keeping should be amended to clarify the rules and regulations related to the keeping of animals within the City; and

WHEREAS, the City Council intends, by adopting the proposed amendments, to protect and promote the public health, safety, convenience, and general welfare of the citizens of the City of Flagstaff.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

The Flagstaff City Code, Title 6, *Police Regulations*, Chapter 3, *Animals*, is hereby deleted in its entirety and replaced with revised Chapter 6-03, *Animal Keeping*, as set forth below:

Chapter 6-03
ANIMAL KEEPING

SECTIONS:

6-03-001-0001 PURPOSE
6-03-001-0002 DEFINITIONS
6-03-001-0003 KEEPING OF LIVESTOCK
6-03-001-0004 BEE KEEPING
6-03-001-0005 VIOLATION

SECTION 6-03-001-0001 PURPOSE:

The purpose of this Chapter is to ensure that the keeping, raising, and maintenance of livestock animals within the City does not create an adverse impact on adjacent properties by reason of dust, fumes, noise, odor, insect or vermin infestations, or visual blight, and to maintain the

animal welfare and public health, safety, and well-being. This chapter does not pertain to domestic pets such as dogs and cats.

SECTION 6-03-001-0002 DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases and words and their derivations will have the meaning given as set forth below when not inconsistent with the context.

Beehive: A structure for housing honey bees.

Bee Colony: The hive and its equipment and appurtenances including honey bees, comb, honey, pollen and brood.

Equine: Horse or other member of the horse family including mules and donkeys.

Flyway Barrier: A solid wall, fence, dense vegetation, or combination of these materials at least six feet high that extends at least 10 feet beyond the hives on each end of a bee colony.

Poultry: A domesticated bird that is used to produce meat or eggs, including but not limited to, chickens, ducks, pigeons, and quail.

Livestock: Domesticated animals raised to produce commodities such as food, fiber, and labor.

Large Livestock: Equine, cattle, swine, donkeys, mules, llamas, ostriches, goats, sheep, alpaca, and other similarly sized animals.

Small Livestock: Rabbits, chickens, miniature, dwarf or pygmy goats that are dehorned and neutered, and other similarly sized animals.

Pasture: Open, uncultivated land used for the grazing of livestock.

Shelter: A structure or environment, adequate to the species of animal, which provides protection from adverse weather conditions and predators.

Nuisance: Anything offensive or obnoxious to the health and welfare of the inhabitants of the City; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

SECTION 6-03-001-0003 KEEPING OF LIVESTOCK

The following standards apply to the keeping of livestock animals within city limits.

A. GENERAL RULES AND RESTRICTIONS

1. The number of animals permitted in each Zone is established in Table 6-03-003.A (Number of Animals Permitted by Zoning Designation) below.

2. The principal use of the property on which livestock animals are kept must be residential or educational.

3. No livestock may be kept in the front yard setback area.

4. Offspring of animals maintained on the same property that are less than four months old or that have not been weaned, whichever is longer, will not be subject to the maximum number of animals permitted per lot size established by this Chapter.

5. All animals and the pens, stalls, stables, yards, shelters, cages, and premises where they are held or kept, shall be maintained in such a manner so as to not become a public health nuisance. Nothing in this Subsection shall be deemed to prohibit the use of animal manure or droppings to fertilize any farm, garden, lawn or ranch in such a manner and for such purposes as are compatible with customary methods of good horticulture.

6. Feed troughs shall be provided for the feeding of vegetables, meat scraps, or garbage, and such feeding shall be done exclusively from containers or on an impervious platform. Food for feeding livestock shall be stored in rodent and predator resistant containers.

7. Watering troughs or tanks shall be provided, which shall be equipped with adequate facilities for draining the overflow, so as to prevent the ponding of water, the breeding of flies, mosquitoes or other insects, or any additional health hazards.

8. Shelter and fencing (e.g. barn, coop, corral, pens, stables, etc.) shall be provided to sufficiently contain the animals and keep them from roaming at large.

9. Shelters must be covered, predator-resistant, properly ventilated, and designed to be easily accessed, cleaned and maintained.

10. Shelters must be maintained to reduce the risk of fire in accordance with the City of Flagstaff Fire Code.

11. No incineration of animal refuse shall be permitted on the premises.

12. Slaughter of animals is prohibited in all residential zones and in zones where residential uses are allowed.

13. All animal-keeping facilities must be designed in a manner such that water runoff does not become a health hazard or nuisance to uses on other properties, and is contained and disposed of and does not contribute to the pollution of local groundwater or the flooding of adjacent properties.

14. No person shall keep or harbor any animal which by frequent or habitual howling, yelping, barking, crowing or the making of any other noise, day or night, unreasonably disturbs the peace and quiet of any person or persons.

B. RULES AND RESTRICTIONS – LARGE LIVESTOCK

1. Shelters for large livestock must be located:

   a. No less than 75 feet from any dwelling unit.

b. No less than ten feet from any property line.

2. At least one half acre of pasture must be made available for each large livestock animal.

3. No pigsty shall be built or maintained on marshy ground or land subject to overflow, or within 100 feet of any watercourse or other source of water supply, or within 300 feet of a dwelling unit on an adjoining property.

C. RULES AND RESTRICTIONS – SMALL LIVESTOCK

1. Male miniature goats must be neutered and dehorned by four months of age.

2. Shelters and fenced enclosures for housing, keeping or caring for small livestock must:

a. Be located no less than ten feet from any property line.

b. Have a minimum of four square feet of indoor space per poultry or rabbit.

c. Have a minimum of ten square feet of permeable outdoor space per poultry or rabbit.

d. Have a minimum of 130 square feet of permeable space per miniature goat.

3. Turkeys, peafowl, geese, and all other similarly noisy birds are prohibited in all zones within the City.

4. Male poultry over the age of four months shall not be permitted within the City.

SECTION 6-03-001-0004 BEE KEEPING

The following standards apply to provide for the safe and orderly keeping of bees.

A. Bee keeping is allowed in all zones. The principal use of the property on which beehives are kept must be residential or educational.

B. Beehives shall only be located in rear yards and shall be placed a minimum of 20 feet from any property line, except that in the Rural Residential (RR) Zone beehives also may be placed in the interior side yards. In all zones the entrance to the beehive shall face away from the property line closest to the hive.

C. A flyway barrier shall be established and maintained so that all bees are forced to fly at an elevation of at least six feet above ground level in the vicinity of the beehive. Any fence, wall, or natural barrier proposed as a flyway barrier shall comply with the provisions of City Code Title 10, Zoning Code, Division 10-50.50 (Fences and Screening), as well as the following:

1. Be a minimum of six feet tall;

2. Be solid such that bees cannot fly through it;

3. Be placed parallel to the property line; and

4. Extend a minimum of five feet beyond the beehive(s) in each direction.

D. A convenient source of water shall be made available for the bees at all times of the year so that bees are less likely to congregate at swimming pools, pet watering bowls, bird baths, or other water sources.

E. In any instance in which a colony exhibits unusually defensive characteristics by stinging or attempting to sting without provocation or exhibits an unusual disposition toward swarming, beekeepers shall promptly re-queen the colony with another marked queen. Queens shall be selected with a gentle disposition from stock bred for gentleness and non-swarming characteristics. Must be able to produce proof of a receipt from a queen breeder.

Table 6-03-001-0003.A Number of Animals Permitted by Zoning Designation

Type of Animal	**Zones in which Specific Animals are Permitted**	**Total Number of Animals Permitted per Lot Size**						
Large Livestock		**≤19,999 sq ft**	**20,000 – 29,999 sq ft**	**30,000 – 39,999 sq ft**	**40,000 – 79,999 sq ft**	**80,000 – 119,999 sq ft**	**120,000 – 159,999 sq ft**	**≥160,000 sq ft**
Equine	ER and RR	0	0	4 (max of 3 equine on ER lot)	5	6	7	8
Cattle, Swine, Llamas, Alpacas, Goats, Sheep, Other Large Livestock Not Prohibited By This Chapter	RR							
Small Livestock								
Goats (miniature, pygmy, dwarf)	All zones*	2	2	2	4	4	4	4
Ducks, Rabbits, Chickens	All zones*	5	10	15	20	25	25	25
Bees								
Bee Colonies	All zones*	2	4	6	8	8	8	8

***** The principal use of the property must be residential or educational.

SECTION 6-03-001-0005 VIOLATION

A. It shall be unlawful for any person to cause, facilitate, or aid or abet a violation of any provision of this Chapter or to fail to perform any act or duty required by this Chapter in connection with the keeping of animals.

B. Any person found responsible for violating any provision of this Chapter will be deemed guilty of a misdemeanor and shall be subject to a fine of no less than $100 for every offense. Recurring violations will be subject to larger fines. Any violation that is continuing in nature shall constitute a separate offense on each successive date the violation continues.

C. Civil actions or proceedings to enforce the requirements of this Chapter will be commenced and prosecuted in compliance with City Code Title 1, Administration, Chapter 1-15, Municipal Court, Section 1-15-001-0011, Civil Enforcement Procedures.

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. Clerical Corrections

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 4. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this _____ day of _____, 2015.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY