

**RESOLUTION NO. 2019-53**

**A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED “ANIMAL KEEPING CODE AMENDMENTS”**

**RECITALS:**

WHEREAS, pursuant to A.R.S. § 9-802, a municipality may enact or amend provisions of the City Code by reference to a public record, provided that the adopting ordinance is published in full.

**ENACTMENTS:**

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

SECTION 1. In General.

That certain document known as “*Animal Keeping Code Amendments*” attached hereto as Exhibit A is hereby declared to be a public record, and one (1) paper copy and one (1) electronic copy shall remain on file with the City Clerk in compliance with A.R.S. § 44-7041, and said copies shall remain on file with the City Clerk.

SECTION 2. Effective Date.

This resolution shall be effective six (6) months following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 19th day of November, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

Exhibits:  
Animal Keeping Code Amendments

## EXHIBIT A

### 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 and bees 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 common domestic household pets such as dogs, cats, and others.

#### 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 bBee eColony.

**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 commonly 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 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 (e.g., chicken coop, rabbit hutch, barn, etc).

Shelters must be covered, properly ventilated, and designed to be easily accessed, cleaned, and maintained.

Livestock Containment Area: The portion of a property where Livestock are held or kept, including runs, pens, stalls, yards, and cages. The location of Shelters, including any associated fencing or screen walls, shall comply with the Accessory Structures and Fencing and Screening requirements of Section 10-50.50 (Fencing and Screening) and 10-40.60.020 (Accessory Structures).

**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.

Manager: The Sustainability Manager, or designee.

## **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 6-03-001-0003.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~~At all times, Livestock must be contained in rear yard of residence unless such residence is on a parcel zoned Estate Residential or Rural Residential. Livestock Containment Areas or Shelters must be provided to sufficiently contain the Livestock on the property and keep them from roaming at large.
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, ~~Livestock Containment Areas, and Shelters must, 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. ~~Livestock shelters and runs~~Livestock Containment Areas and Shelters must be clean and sanitary, and generally free of fecal and other matter that may attract flies, rodents, or cause an offensive odor ~~that may disturb the comfort of any person that can be detected from beyond the property line.~~ Fecal and other matter must be double-bagged and disposed of in City garbage receptacles. 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 Livestock vegetables, meat scraps, or garbage, and such feeding shall be done exclusively from containers (e.g., troughs) or on an impervious platform. The area where Livestock is fed must be located at least twenty feet from any neighboring dwelling. Food for feeding Livestock shall be stored in rodent and predator resistant containers.~~
7. Watering troughs or tanks shall be provided for Livestock, 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. Watering troughs must be located at least twenty feet from a neighboring dwelling.
- ~~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.~~
840. Shelters must be maintained to reduce the risk of fire in accordance with the City of Flagstaff Fire Code.
944. No incineration of animal refuse shall be permitted on the premises.
1042. Only chickens, domestic fowl, or rabbits can be slaughtered on site. Slaughter shall not occur in view from any public area or any adjacent property owned by another. Slaughter shall be done in a humane and sanitary manner. Slaughter must be for personal consumption and in compliance with all county, state, and federal laws.
1143. 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.
1244. 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.
13. Small Livestock must be kept in a Shelter from sunset to sunrise.
14. All waste from animals must be contained on site. Any pollutants or non-stormwater related discharges shall be subject to Chapter 12-03 (Stormwater Illicit Discharges).

## **B. Permitting Requirements**

1. No person shall keep, harbor, or maintain care, custody, or control over any Livestock without obtaining a permit. Any person desiring a permit shall submit an application to the Sustainability Section.
2. Permit applications shall include:

- a. A signed statement that the applicant will comply with the provisions of this Chapter.
  - b. Proof of satisfactory knowledge of animal keeping best practices by completing a short questionnaire designed by the Sustainability Section.
  - c. The submittal of a site plan demonstrating the design, size, and location of Shelters and Livestock Containment Areas, as well as feed and watering trough locations.
3. Animal Keeping in Estate Residential and Rural Residential zones is exempt from the permit requirements of this Chapter.
  4. Prior to the issuance of any permit, the applicant must allow an inspection of the property, Shelter, and Livestock Containment Area to determine conformance with the submitted site plan.
  5. Approval of a permit application may be subject to reasonable conditions in the Manager's sole discretion.
  6. The Manager may suspend, revoke or take other authorized adverse action against any permit granted pursuant to this section if any condition or requirement of this chapter is violated, if the keeping of animals becomes a public nuisance, or for other good cause.
  7. An applicant or permit holder may appeal the denial or revocation of a permit by submitting a written appeal to the City of Flagstaff Sustainability Section within ten (10) days after issuance of the denial or notice of revocation. Within five (5) days after receipt of the written appeal, or such longer period of time agreed to by the applicant, the appeal will be reviewed, and a response will be provided by the City Manager or designee, who shall be a Deputy City Manager.

#### **CB. 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 10,000 square feet 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 150 feet of any watercourse or other source of water supply, or within 300 feet of a dwelling unit on an adjoining property.

#### **DC. RULES AND RESTRICTIONS – SMALL LIVESTOCK**

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

2. ~~Shelters and fenced enclosures for housing, keeping or caring for s~~Small ~~l~~Livestock must meet the following requirements:
  - a. ~~Be located no less than ten feet from property lines abutting another residential lot or parcel~~ten feet from any property line.
  - b. ~~May extend up to any property line abutting a public alley right-of-way or private alley tract.~~
  - c. ~~Be located at least twenty feet from the nearest neighboring dwelling.~~
  - ~~b~~d. Have a minimum of four square feet of indoor space per ~~p~~Poultry or rabbit.
  - e. ~~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. Winged animals must have wings clipped or be contained in a covered enclosure at all times in order to ensure containment on property.
4. Livestock Containment Areas must have a minimum of ten square feet of permeable outdoor space per Poultry or rabbit, and 130 square feet of permeable space per miniature goat.
- ~~53~~. Turkeys, peafowl, geese, and all other similarly noisy birds are prohibited in all zones within the City.
- ~~64~~. Male ~~p~~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 where the use of the property on which beehives are kept is residential or educational.
- B. Beehives shall only be located in rear yards and shall be placed a minimum of 10 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 queen. Queens shall be selected with a gentle disposition from stock bred for gentleness. Beekeepers 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	Maximum Number of Animals Permitted per Lot Size						
		≤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
<b>Large Livestock</b>								
Equine, Cattle, Swine, Llamas, Alpacas, Goats, Sheep, Other Large Livestock Not Prohibited By This Chapter	ER and RR	0	0	0	4	5	6	7
<b>Small Livestock</b>								
Goats (miniature, pygmy, dwarf)	All zones*	<del>20</del>	<del>20</del>	<del>20</del>	4	4	4	4
Ducks, Rabbits, Chickens	All zones*	5	10	15	20	25	25	25
<b>Bees</b>								
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 subject to a fine of no less than \$100 for every offense. Recurring violations will be subject to larger

finer. 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.