

ORDINANCE 1451

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL ZONING CODE SECTION 17.28.050 BY REPEALING SUB-SECTION C, IN CHAPTER 17.28 OF TITLE 17 REMOVING LIVESTOCK STANDARDS IN A AND B RESIDENTIAL ZONES; CREATING A NEW CHAPTER 6.15: KEEPING OF LIVESTOCK, UNDER TITLE 6 ANIMALS; AMENDING SECTION 17.20 OF TITLE 17, CHAPTER 17.20.020 REMOVING LIVESTOCK STANDARDS IN A T-TRANSITIONAL ZONE; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

Section 1. Section 17.28 of Title 17, Chapter 17.28.050 of the Payette Municipal Code is hereby repealed as follows:

**17.28.050: BUILDING AREA AND USE RESTRICTIONS:**

- A. Buildings permitted shall provide parking facilities required by chapter 17.72 of this title.
- B. Billboards of not more than eight (8) square feet may be permitted. Signs for home occupations shall be regulated by section 17.64.150 of this title.
- ~~C. One horse, or three (3) sheep or one cow with calf may be maintained on the lot, provided there is at least twenty one thousand eight hundred (21,800) square feet of fenced irrigated pasture area for the animals and the landowner obtains a permit from the planning and zoning commission and only so long as the animals do not cause offensive odors or create a disturbance to the people of the neighborhood. After notice and hearing, pursuant to section 17.28.030 of this chapter, the planning and zoning commission may further limit or expand the number of animals which may be kept. Swine and goats are prohibited.~~

Section 2. A new Section 6.15: KEEPING OF LIVESTOCK:, in Title 6, ANIMALS, of the Payette Municipal Code is hereby added as follows:

**6.15.005: DEFINITIONS**

LIVESTOCK: Those classes of animals that are kept and housed outside the home or in enclosures such as pens, barns, corrals

or paddock areas. Livestock includes, but is not limited to, cows, goats, horses, mules or donkeys, llamas, sheep and/or anything similar to the aforementioned. Livestock also includes any grazing or foraging animal. Swine and male "billy" goats are strictly prohibited in City limits.

COMMERCIAL LIVESTOCK USE: The raising of livestock for the specific purpose of selling the livestock or livestock products (such as milk, meat, eggs, etc.) represents commercial livestock use. Such use is prohibited in all residential zones. The raising of animals for youth development activities involving 4-H or Future Farmers of America (FFA) and the sale of such animals shall not be considered a commercial use.

**6.15.010: KEEPING OF LIVESTOCK:**

It is unlawful to keep livestock within the city except by permit issued by the City under the terms and conditions set forth in this chapter.

A. Property owners are allowed the following maximum number of animals per one (1) acre of fenced, irrigated pasture land:

<u>Animal</u>	<u>Maximum Number Per 1 Acre</u>
<u>Cows or similar</u>	<u>2</u>
<u>Goats or Sheep</u>	<u>4</u>
<u>Horses or similar</u>	<u>2</u>
<u>Llamas or similar</u>	<u>2</u>

The number of animals allowed per one (1) acre of fenced irrigated pasture land is based upon the size and characteristics of the animal. The animal control officer or designee shall determine the equivalent number of animals allowed for animals not listed in the above table, including miniature forms of large animals, and shall take into consideration the purpose of this section and the impacts to adjacent properties in making a determination.

In instances where a mixed livestock density is desired, the number of types of animals desired shall be divided into the maximum number allowed. For instance, an individual who has one (1) acre of fenced, irrigated pasture land wants to have sheep, and cows which is two (2) different types of animals.

The maximum number of sheep allowed is four (4). Four (4) divided by two (2) equals two. The maximum number of cows allowed is two (2). Two (2) divided by two (2) is one. Therefore, the individual could have, as livestock, a combined total of two sheep, and one (1) cow on one (1) acre of land.

Maximum density shall not apply to offspring under nine months of age.

B. Permit Requirements: Any person desiring to keep livestock may make application to the City and shall supply proof that the applicant and premises comply with the following requirements, as well as certifying that he or she will comply with all the following conditions for maintaining the livestock. The animal control officer may deny a permit if the applicant has a record of failure to comply with the provisions of this chapter. Additionally, the animal control officer may revoke any permit for failure to comply with any of the conditions or restrictions of the permit. Appeal of the denial or revocation may be made in writing to the city council.

1. The applicant will submit a site plan that will include property lines, existing structures and buildings and the location and size of the proposed cage or pen. (The area and materials used must be in compliance with standards set by the animal control officer or authorized designee, based on the size and nature of the animal.)
2. The applicant will identify the animal to be kept on premises, to include species, age, tag or brand if any, and general physical description of each individual animal, such that the animal can be positively identified.
3. The minimum area required for each permit shall one (1) acre, of which seventy five percent (75%) shall be irrigated "pastureland" with full vegetative cover watered regularly so as to be kept in a healthy, green, and growing condition.
4. An applicant must make and demonstrate adequate provisions to keep livestock at least thirty feet (30') from any residential dwelling on any adjacent parcel of land, regardless of ownership of the land.
5. Any animal shelter or feeding facility shall be located at least fifty feet (50') from any residential dwelling

located on the property and at least fifty feet (50') from any residential dwelling located on any parcel of land adjacent to the parcel on which the livestock are kept.

6. A permittee shall at all times maintain the acreage on which livestock are kept in a clean and sanitary condition.
7. A permittee shall at all times maintain any shelter or feeding facility for the livestock in a clean and sanitary condition.
8. A permittee is prohibited from maintaining the acreage as a commercial feedlot to prepare livestock for market.
9. No permit may be transferred to any other person or location.

C. Fees: The initial fee for each livestock permit shall be set by resolution of the city council. Thereafter, the permittee must pay an annual renewal fee as set by resolution of the city council for each permit, accompanied by written notice of any change in number of livestock or amount of acreage. The animal control officer or the designee may perform inspections to verify the information provided, and deny any permit renewal for failure to comply with this chapter.

D. Exception: Any person may apply to the Planning & Zoning Commission through a Conditional Use Permit for an exception to the strict terms of the livestock permit requirements. The Commission may grant or deny the request. If it is determined that an exception may be granted, the Commission may impose additional conditions upon a permittee, including, but not limited to, types of enclosure, number of animals, size of the parcel, standards of upkeep, proof of consent of seventy five percent (75%) of the neighbors living within one hundred feet (100') of the boundaries of the permit area, size of animals, accommodations for animals or other reasonable requirements.

E. Transfer of Permit Prohibited: No livestock permit may be transferred to any other person or location.

#### **6.15.015: RENEWAL:**

Any permits or licenses held on the date of passage hereof must be renewed **bi**-annually by complying with all provisions of this chapter. At the time of the application for renewal, the standards in this chapter must be complied with.

**Section 3.** Section 17.20 of Title 17, Chapter 17.20.020 of the Payette Municipal Code is hereby amended as follows:

**17.20.020: PERMITTED USES:**

The following are allowed in the T transitional district:

Accessory uses to any uses permitted in the district;

Agriculture, not including livestock confinement operations (LCOs). ~~Livestock and poultry shall be allowed on all properties exceeding one acre in size following the guideline of one animal unit per half acre of productive fenced pasture. One animal unit shall mean the following:~~

~~One cow; or~~

~~One horse; or~~

~~Three (3) sheep; or~~

~~Twenty five (25) poultry.~~

~~These numbers do not include offspring younger than six (6) months of age. Swine and goats are not allowed.~~

~~Other animals: Other animals may only be permitted by conditional use permit.~~

Buildings housing horses and other usual farm animals shall not be located closer than fifty feet (50') from any dwelling other than the dwelling on the property.

Garden or plant nursery, selling only produce or plants, the major portion of which is raised on the premises, and excluding any use injurious, noxious or offensive to the neighborhood.

Golf course.

Municipal facilities.

Single-family dwelling as regulated in the A residential district with the exception that the minimum lot size for such use shall be two and one-half (2<sup>1</sup>/<sub>2</sub>) acres (108,900 square feet).

**Section 4.** This Ordinance may be published in summary form allowed by Idaho Code.

**Section 5.** This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

**Section 6.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 7.** If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF PAYETTE, IDAHO

BY \_\_\_\_\_

Jeffrey T. Williams, Mayor

ATTEST:

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City Clerk