

Chapter 21

ANIMAL ZONING REGULATIONS

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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. This land area requirement 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. 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. 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.
- 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.

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.)

D. Agricultural animals shall not be permitted in the required front yard area of a home. (Ord. 2729)

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, horses (save miniature types as noted below), 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	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.

D. In the case of potbellied pigs kept as pets, the number allowed (maximum of 2) shall be in lieu of and not in addition to the number of dogs allowed in the city, two (2), and kept by an owner or claimant as pets. (Thus, if a person has a dog, they may only have 1 potbellied pig.) If they have two (2) pigs they may not keep dogs unless a conditional use permit is first obtained to have a kennel.

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.). (Ord. 4010, 3-19-2012)

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)

10-21-6: NONCONFORMING ANIMAL USES:

The nonconforming use of land for grazing or raising of domestic farm animals is land previously zoned for the raising of domestic farm animals which has been or is subsequently annexed and/or rezoned to a residential district not permitting such use shall be subject to the following regulations:

- A. Permitted In Yards: In no case shall agricultural animals be permitted in the front yard areas of a home. Agricultural animals may be permitted in side yard areas provided feed stalls or watering troughs are not located within any portion of a side yard situated within fifty feet (50') of an adjacent residence without the written consent of the owner of the adjacent residence.

- B. Extension Of Area: In no case shall any existing pasture or animal raising area be extended in any way either on the same or adjoining land without approval of the commission.

C. Lots Under Thirty Thousand Square Feet In Area:

1. Animal raising or grazing activities shall be discontinued within a period of one year from the effective date of annexation or rezone.

D. Lots Over Thirty Thousand Square Feet In Area:

1. Animal raising or grazing activities may be continued subject to compliance with the following:
 - a. Large or medium agricultural animals may be kept, provided the lots upon which said animals are kept have an area of at least thirty thousand (30,000) square feet. The total number of all such animals (other than their young under the age of 6 months) allowed on a lot shall be limited to the square footage of the pasture or animal raising area divided by the total minimum area required for each animal as listed below. Young over the age of six (6) months or young on their own without parents shall also comply with these area requirements.
 - (1) Large agricultural animal, ten thousand (10,000) square feet of area per animal.
 - (2) Medium agricultural animal, five thousand (5,000) square feet of area per animal.

E. Abandonment: If use of a lot for animal raising or grazing activities discontinues actual use for a continuous period of one year such use shall be considered to be abandoned and may not be resumed unless otherwise approved by the commission.

F. Complaint Procedures: Complaints on offensive animal related activities shall be handled by the planning director or his authorized representative in the following manner:

1. Objections shall be reviewed upon receipt of a written complaint from any household located within two hundred feet (200') of the affected property. Said complaints shall set forth the nature of the objection.
 - a. Such complaints shall be investigated and findings reported in writing. Standards for judging complaints shall include:
 - (1) Noise in excess of that compatible with normal residential use (either in terms of volume or hours of occurrence).
 - (2) Odors, flies, or dust in excess of that compatible with normal residential use.
 - (3) Trespassing of animals onto the property of area owners.
 - (4) Lack of maintenance of animal raising or grazing area. This includes, but is not limited to, cleanup of manure and proper repair of fencing or other enclosures.

G. Action By The Planning Director: The planning director or his authorized representative, upon investigation and consultation with area residents may:

1. Approve the situation as it exists.
2. Require all or a portion of the animals to be eliminated.
3. Impose appropriate restrictions such as repair of fencing or other enclosures, limiting the location of animals on the property, cleanup of manure, establishing a phase out period, or other measures to ensure compatibility with a residential setting.

H. Action By The Planning Director: Any action shall become final fifteen (15) calendar days after the date of decision unless appealed to the commission.

1. Appeals: During the fifteen (15) day period, written appeals from action of the planning director or his authorized representative, may be taken to the commission by the owner of the affected property or other interested party. Legal continuation of animal raising or grazing activities shall not become official until the determination of any appeal pending against it.
2. Notice Of Appeal: Notice of appeal shall be given to the planning director. The notice shall be accompanied by a fee established by council resolution. The planning director shall in turn transmit the appeal. (Ord. 2729)

10-21-7: VIOLATION; PENALTY: 🌐

Any person found guilty of violating any of the provisions of this chapter for which a fixed penalty has not been designated (such as revocation of a permit to keep and care for animals) is guilty of a misdemeanor. (Ord. 3211, 4-7-2003)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) There are no limits on the number of animals allowed in the AG (agricultural) zone.