

## **ORDINANCE 2021-4**

### **AMENDMENT TO LEWISVILLE CITY CODE**

#### **TITLE 8 CHAPTER 5 SUBSECTION 8**

AN AMENDMENTS TO THE CITY CODE OF LEWISVILLE, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TITLE 8 CHAPTER 5 SUBSECTION 8 and TITLE 8 CHAPTER 2 SUBSECTION 3, PROVIDING FOR DOMESTIC ANIMALS IN RESIDENTIAL AND COMMERCIAL ZONES AND ADDING THE DEFINITIONS THEREOF.

WHEREAS, zoning for the City of Lewisville is R-1 residential, R-1/C-1 residential/commercial and C commercial, and

WHEREAS, the City Code of the City of Lewisville provides for animals in residential and commercial zones within the City, and

WHEREAS, many residents feel that the current code allowing animals in residential and commercial zones is confusing and impractical, and

WHEREAS, the City Council of the City of Lewisville has done considerable research to determine the allowance of animals in residential and commercial zones in cities with similar populations and zoning to that of the City of Lewisville, and

WHEREAS, the City Council feels it would be in the best interest of residents of the City to modify Title 8-5-8 and Title 8-2-3 of the City Code to set a standard that would be beneficial to both residents who have animals and neighboring residents and to add definitions of Livestock, Small Domestic Animals, Dedicated Ground and State of Idaho Nuisance Statute to the definitions section of the Lewisville Code, and

WHEREAS, notice was given to residents by publication in the Jefferson Star on September 1, 2021 and September 8, 2021, and a Notice of Public Hearing was posted on the City's website [cityoflewisville.org](http://cityoflewisville.org) and at the Community Center as required by law, and

WHEREAS, a public hearing was held on September 8, 2021 to gain public input into the matter and, after much consideration, the City Council of the City of Lewisville deems it beneficial to delete the current Section 8-5-8 of the Lewisville Code and replace it with more definitive wording which will allow animals in residential and commercial zoning with certain restrictions. The Council also feels it would be prudent to add definitions of Livestock, Small Domestic Animals, Dedicated Ground and State of Idaho Nuisance Statute to Section 8-2-3 of the Lewisville Code.

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

That Title 8 Chapter 5 Subsection 8 be deleted and replaced as follows:

8-5-8: **ANIMALS IN RESIDENTIAL AND COMMERCIAL ZONES:**

- A. ~~Horses, donkeys, mules, llamas and cattle: One head for the first one half (1/2) acre of pasture and one head for each additional acre (not including sucklings).~~
- B. ~~Sheep and goats: Five (5) head of feeder sheep, or three (3) head of breeding sheep per one acre of land (not including sucklings). Five (5) head of female or castrated male goats, or any combination thereof, per one acre of land (not including sucklings).~~
- C. ~~Poultry: Ten (10) laying hens or growing chickens per acre of land (not including chicks).~~
- D. ~~Swine: One per acre of pasture (not including sucklings).~~
- E. ~~Animals shall be kept in such a manner as not to constitute a nuisance or health hazard with respect to neighboring property.~~
- F. ~~Pasture does not include that portion of land where the residence and accessory buildings are located. It does include any buildings used for animals.~~
- G. ~~Animals that are kept for 4-H, FFA, or other educational projects shall not be included in the number of animal units described in this section, but shall be removed from the premises within sixty (60) days of selling date of the animal. (Ord. 9-10-B, 9-8-2010)~~

8-5-8: **ANIMALS IN RESIDENTIAL AND COMMERCIAL ZONES:**

*In order to maintain a resident's rights to have livestock and small domestic animals for personal use while also protecting the rights of neighboring properties, the following standards shall apply:*

- A. *Livestock: Domesticated animals limited to, cows, yaks, horses, pigs [limited to 2 pigs of any species (except potbelly pigs) on dedicated ground that is at least 1 acre and no pigs on less than 1 acre of dedicated ground], ponies, goats, sheep, mules, donkeys, burros, alpacas, llamas, miniature horses, potbelly pigs, fowl and rabbits shall be allowed, provided that the dedicated ground has at least one-half acre of ground where the animals are kept. **The maximum number of animals per acre of dedicated ground for all animals shall not exceed that set forth in the table below.** Animals that are kept for active 4-H, FFA or other educational clubs shall not be included in the maximum number of animal units described in this section but shall be limited to one qualified exemption at any time. Animals qualifying under the exemption shall be removed from the premises within sixty days of the completion of the educational project.*
- B. *Small domestic animals: Small domesticated animals including fowl, chickens, and rabbits shall be allowed on a residential lot provided the lot is at least one-quarter acre in size. **The maximum number of small domestic animals per acre shall not exceed that set forth in the table below.***

- C. Sucklings and chicks are not included in the animal unit maximum.
- D. Facilities for housing livestock, including, but not limited to corrals, stables, barns and pens must comply with existing building setback for auxiliary buildings as set forth in Section 8-4 A.6 and shall not constitute a nuisance pursuant to the laws of the State of Idaho and/or the Lewisville City Code.
- E. All manure and feces piles shall be at least 50 feet from all property lines.
- F. Coops, hutches and all units used for small animal housing must meet setback for auxiliary buildings as set forth in Section 8-4 A.6.
- G. Animals must be kept in such a manner as not to constitute a nuisance or health hazard with respect to neighboring property and within the limitations of the State of Idaho Nuisance statute – Idaho Code §52-111.
- H. Action for noncompliance to this Code and/or the Idaho Code may be brought by the City or by any citizen of the City of Lewisville.
- I. Violations. Any violation of this section for the first 2 offenses in a 3-year period, shall constitute an infraction and shall be penalized pursuant to Section 1-4 1.B of the Lewisville City Code. For the 3<sup>rd</sup> and any additional offenses in a 3-year period, any violation of this section shall constitute a misdemeanor and shall be penalized pursuant to Section 1-4 1.A of the Lewisville City Code.

**LIVESTOCK QUANTITY PER ANIMAL UNIT CHART**

<i>Species</i>	<i>Animal Units Per Acre</i>	<i>Maximum Animals per Animal Unit</i>	<i>Percentage of each animal per animal unit</i>
<i>Horses, yaks, cows, mules</i>	1	4	0.25
<i>Pigs</i>	*	*	0.25*
<i>Donkeys, burros, ponies, alpacas, llamas</i>	1	6	0.166
<i>Miniature horses, potbelly pigs</i>	1	8	0.125
<i>Sheep, goats</i>	1	16	0.062
<i>Turkeys, ducks, other fowl (excluding chickens)</i>	1	12	0.083
<i>Chickens, rabbits</i>	1	32	0.031

*\* For all pig quantities see Section 8-5-8 A above. For purposes of percentage of each animal per animal unit each pig calculates at 0.25.*

*Note: Combination of different livestock species are acceptable, so long as total densities are not exceeded for dedicated ground available. For example, if Bob has 1 acre of dedicated ground, he may have 2 horses (equivalent 0.5 animal unit), 2 donkeys (equivalent to 0.332 animal unit), and 2 ducks (equivalent to 0.166 animal unit) for a total of 0.998 animal unit (0.5 + 0.332 + 0.166 = 0.998). With the above example, Bob is in compliance.*

The definitions of Livestock, Small Domestic Animals, Animal Units and State of Idaho Nuisance Statute be added to Section 8-2-3 and shall read as follows:

**DEDICATED GROUND:**

*Dedicated ground is contiguous land that is dedicated solely to animals and does not include that portion of land where the residence, business and accessory buildings are located. It does include any buildings used for livestock or small domestic animals.*

**LIVESTOCK:**

*Domesticated animals limited to horses, yaks, cows, mules, pigs, donkeys, burros, ponies, alpacas, llamas, sheep, goats, miniature horses and pot-belly pigs.*

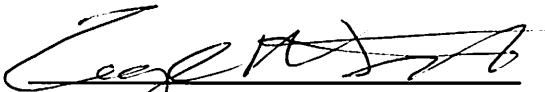
**SMALL DOMESTIC ANIMALS:**

*Small domesticated animals limited to fowl, ducks and rabbits.*

**STATE OF IDAHO NUISANCE STATUTE:**

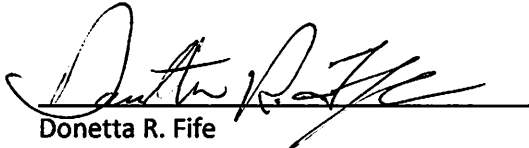
*Idaho Code §52-111 and modifications of said Code.*

**ENACTED** by the Lewisville City council and approved by the Mayor this 8th day of September, 2021.



George Judd  
Mayor, City of Lewisville

**ATTEST:**



Donetta R. Fife  
Clerk/Treasurer, City of Lewisville

**PUBLISHED** on the 22<sup>nd</sup> day of September, 2021.