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The Birds, the Bees and the Beasts

Fact Sheet on Backyard Farm Animal Rules in Tucson

This fact sheet provides information about the rules that govern raising farm animals in Tucson. If you live in a community that has CC&Rs, you need to be sure to follow those rules as well. Words in **BOLD CAPS** are defined or explained at the end of the document. This fact sheet does not address the rules for slaughter, processing, and sale of meat, dairy, or eggs.

Rules for raising animals for consumption are found in the Tucson Land Use Code and the Tucson City Code. These rules are in place to protect public health, the animals and the environment. *If you live in a community that has Conditions, Covenants and Restrictions (CC&Rs), you will need to adhere to those rules as well.*

The Tucson Land Use Code (TLUC) establishes zones within city limits where certain **LAND USES** are permitted in order to promote health, safety and welfare of community residents. Land uses are categorized by **LAND USE GROUPS**, which are further categorized by **LAND USE CLASS**. Raising farm animals falls under the **AGRICULTURAL USE** group, and is considered to be in the **ANIMAL PRODUCTION** land use class if it is done commercially and in the **GENERAL FARMING** land use class if it is limited to personal use.

For each zone, the TLUC identifies which land uses are **PERMITTED USES**, **SPECIAL EXCEPTIONS**, **SECONDARY USES** and **ACCESSORY USES**. In addition, a **DEVELOPMENT DESIGNATOR** specifies criteria for structures that are built such as height, density, and perimeter yards.

The TLUC can be found at: <http://cms3.tucsonaz.gov/sites/default/files/planning/Complete%20LUC.pdf>

The Tucson City Code (TCC) contains local ordinances (laws). The housing and treatment of animals is addressed in Chapter 4, Animals and **FOWL**, and in Chapter 11, Crimes and Offenses. The TCC can be found at: <http://www.amlegal.com/library/az/tucson.shtml>

The TLUC is currently being revised with an eye to addressing issues of sustainability, including food production. **If you are interested in following these issues and advocating for zoning rules that promote urban food production, contact:**

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oscadrp@email.arizona.edu

Can I raise animals on my property?

Table 1 shows the residential zones where the raising of various types of animals is permitted, subject to **DEVELOPMENTAL DESIGNATOR** rules and additional restrictions (see **Table 2** and the discussion later in this document). *To determine the zone of your property, call Planning and Development Services 837-9666.*

Table 1: Zones where both residences and farm animals are permitted in Tucson, Arizona

Zones	Birds (FOWL)	Bees	Beasts (LIVESTOCK)	
			Hogs*	Cattle, Horses, Goats, Sheep
R-1: Urban Residential		X		
R-2: Urban Residential		X		
R-3: Urban Residential		X		
RX-1: Urban Residential	X	X		X
RX-2: Urban Residential		X		
MH-1: Mobile Home		X		
MH-2: Mobile Home		X		
SR: Suburban Ranch	X	X		X
SH: Suburban Homestead	X	X	X	X
RH: Rural Homestead	X	X	X	X
MU: Multiple Use	X	X		X
IR: Institutional Reserve	X	X	X	X
C2: Commercial Zone	X	X		X
C3: Commercial Zone	X	X		X

* Keeping up to 3 **MINIATURE PIGS** is permitted in any zone.

PLANNED AREA DEVELOPMENT ZONES: Some parts of the City are zoned as Planned Area Developments (PAD zones), identified by name. If you live in a PAD zone, you should contact *Tucson Planning and Development Services Department* (791-5550) for information about raising animals in your zone. PADs may have different requirements that supersede other requirements in the TCC and TLUC.

What animals are prohibited in any zone?

- Any animal afflicted with any contagious or infectious disease unless such animal is under the control of a certified veterinarian (TCC 4.40)
- Animals suspected of rabies (TCC 4-42)
- **VICIOUS** or **DESTRUCTIVE** animals (TCC 4-7)
- Male fowl or guinea fowl (TCC 4-59).

What are the rules about raising various types of animals?

1. All animals:

Cruelty and Neglect: The Tucson City Code protects ALL animals from cruelty and neglect (TCC 4-3) by requiring the following:

- Providing daily food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health.
- Potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle.
- Except for **LIVESTOCK**, all animals have convenient access to natural or artificial shelter throughout the year. Artificial shelters shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter

which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section. Any shelter, all bedding and any spaces accessible to the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured or becoming infested with parasites.

- The animal receives care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering.
- The animal is given adequate exercise space within an enclosure that shall be constructed of material, and in a manner, to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition. Tieouts are prohibited.
- The animal has access to adequate ventilation and is protected from temperature extremes at all times. No peace officer or county animal control officer shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.

Animal Fighting: Allowing any animal or fowl to engage in a fight with any other animal or fowl for a wager, sport, or any other purpose is not permitted (TCC 4.4).

Manure: Rules about the disposal and accumulation of manure, animal bedding, and body waste include (TCC 4-28):

- Manure, animal beddings or body wastes from domestic animals such as horses, cows, donkeys or goats must be placed into a receptacle of sufficient size within 24 hours.
- The receptacle must be constructed so that its contents are not accessible to flies; it must be placed within the premises owned, occupied or controlled by such person in a location as remote as possible from any surrounding dwelling or street. The owner must empty and cleanse the receptacle as often as necessary, but not less than twice each week.
- These rules shall not prevent the owner or occupant of a residential premises from placing animal manure produced by herbivorous animals into a residential compost pile or residential compost windrow, provided it is placed into the compost pile or windrow within 24 hours from the time it is deposited.

Noise: Owning, possessing, harboring or permitting any animal or bird which frequently or continuously howls, barks, meows, squawks or makes other sounds is prohibited (TCC 16-31(b)(3)).

2. Birds (FOWL):

Number permitted: In zones where they are permitted, no more than 24 fowl can be kept (TCC 4.56).

Structures and facilities: Coops, houses, sheds or other structures must be at least 50 ft from the dwelling house of any other person within the city (TCC 4.57). All structures must be set back at least 50 ft from all property lines (TLUC 3.2.5.2G).

Keeping the coop clean and sanitary: Coops, houses, sheds, structures, yards, corrals or enclosures in which fowl are housed must be kept in a clean and sanitary condition (TCC 4.58).

Running at large: It is unlawful for any person to permit any chickens, ducks, geese or turkeys to run at large within the city (TCC 4.55).

Selling baby chickens and ducklings is prohibited. It is unlawful for any person to sell or to give away baby chickens or ducklings under six weeks of age in less than half-dozen lots as premiums, novelties, prizes, pets or toys, for the promotion of any business, sale, activity or other

promotional use; provided that this section shall not be considered to prohibit the sale or display of baby chickens or ducklings or rabbits in proper facilities that comply with the provisions of any sanitary code, or other rules and regulations of the board of health, by breeders and those engaged in the business of selling for commercial breeding and raising purposes (TCC 4-8).

3. **Bees:**

Number permitted: One hive, stand, box or other structure, natural or otherwise, containing bees is permitted for each 2,500 square ft of **LOT** area. Exception: Zones SR and IR (TCC 11.3(1)) where more than 1 hive is permitted.

Structures and facilities: If bees are kept within 30 ft of any exterior lot boundary line, a barrier must be erected that will prevent bees from flying through it. The barrier must be at least 5 ft high and consist of plant, hedge or any constructed material. The barrier must extend at least 30 ft beyond the **APIARY** in both directions. (TCC 11.3(1)).

Provision of water: Fresh, clean watering facilities for bees shall be provided on the premises. (TCC 11.3(1)).

Registration: Each beekeeper shall register the beekeeping operation with the Arizona Commission of Agriculture and Horticulture (TCC 11.3(2)).

Notifying neighboring commercial farmers: The State of Arizona requires you to notify and get permission from any landowner or lessee who is engaged in commercial agriculture if your bees will forage on their property. The notice shall include the beekeeper's address and telephone number, the location of the hives within a quarter section and the exact dates that the bees will be in the area. After receiving the notice the person who engages in commercial agriculture must inform the beekeeper, before application, when a bee sensitive pesticide will be applied to the area in which the bees are foraging. (ARS 3-367.02).

4. **Beasts: Hogs and other Livestock:**

Structures and facilities: All structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (TLUC 3.2.5.2G) Structures for housing or keeping horses, mules, cows, or goats must be at least 20 ft from any dwelling (TCC 4-27).

Running at large is prohibited. It is unlawful for the owner of any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep, goat or other large or dangerous animals to permit them to run at large within the city (TCC 4-21).

Grazing or pasturing livestock and other large animals in the City. It is unlawful for any person owning or having control of any animal to graze or pasture or permit the grazing or pasturing upon any land within the city, except upon land owned or leased by the owner of such animals, and unless the animals are securely fastened so that they do not run at large or trespass; moreover, the animal must be adequately fed and watered and reasonably protected from the weather (TCC 4-22).

Even when the zoning code allows animals to be raised in a particular zone, there are other zoning rules that govern how they are kept and cared for. There are rules for both **GENERAL FARMING** (raising animals for the owner's consumption) and **ANIMAL PRODUCTION** (raising animals for commercial purposes). These rules mostly address required setbacks and other rules for structures, fencing, and number of animals permitted. **Table 2** summarizes the rules found in the **TLUC** for raising animals in various zones.

Table 2: TLUC Zoning Rules for Raising Hogs and Livestock by Zone and Land Use Class

Zone	Use Class: GENERAL FARMING (for personal use)	Use Class: ANIMAL PRODUCTION (for sale)
RX-1	<p align="center">PERMITTED USE</p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1).</p> <p>No more than 2 horses or 2 head of cattle per 36,000 sq ft of lot area (3.5.2.1.B.1).</p> <p>Stock tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range (3.5.2.1.B.2).</p> <p>No hogs are allowed (3.5.2.1.C.1).</p>	<p align="center">PERMITTED USE</p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1).</p> <p>No more than 2 horses or 2 head of cattle per 36,000 sq ft of lot area (3.5.2.1.B.1).</p> <p>Stock-tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range. (3.5.2.1.B.2).</p> <p>No hogs are allowed (3.5.2.1.C.1).</p>
IR	<p align="center">PERMITTED USE</p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1).</p> <p>Stock-tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range (3.5.2.1.B.2).</p> <p>No more than 1 hog weighing more than 50 lbs per 36,000 square ft of lot area (3.5.2.1.C.2).</p> <p>Hog raising projects which exceed this limit are permitted if sponsored by 4-H, FFA or a similar organization, and confirmed by letter. (3.5.2.1.C.3)</p>	<p align="center">PERMITTED USE</p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1).</p> <p>Stock-tight fences and cattle guards along boundaries or areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range (3.5.2.1.B.2).</p> <p>No more than 1 hog weighing more than 50 lbs per 36,000 square ft of lot area (3.5.2.1.C.2).</p> <p>Hog raising projects which exceed this limit are permitted if sponsored by 4-H, FFA or a similar organization, and confirmed by letter. (3.5.2.1.C.3).</p> <p align="center">SPECIAL EXCEPTION USES</p> <p>Hog ranches: hogs must be penned at least 500 ft from any property line (3.5.3.2.C.4).</p> <p align="center">SECONDARY USES: Retail Trade Food and Beverage Sales</p> <p>Only products produced on the premises are allowed to be sold (3.5.9.1.C).</p> <p>Farm stand may not be more than 3,000 square ft (3.5.9.1.B.1).</p> <p>The building cannot be located closer than 20 ft from the property line (3.5.9.1.D).</p> <p>Minimum setback from the street is 150 ft (3.5.9.1.E).</p> <p>Minimum parking area setback is 45 ft from the property line (3.5.9.1.F).</p> <p>Minimum parking area is 800 sq ft (3.5.9.1.G).</p> <p>Maximum width of entry to the parking area is 30 ft (3.5.9.1.H).</p> <p>Vehicular use area is surfaced if the stand is open more than 6 months per calendar year. If open for a short time, the area must be maintained to minimize dust (3.5.9.1.I).</p>

Table 2: TLUC Zoning Rules for Raising Hogs and Livestock by Zone and Land Use Class (cont.)

Zone	Use Class: GENERAL FARMING (for personal use)	Use Class: ANIMAL PRODUCTION (for sale)
RH	<p>PERMITTED USE</p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1).</p> <p>Stock-tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range (3.5.2.1.B.2).</p> <p>No more than 1 hog weighing more than 50 lbs per 36,000 square ft of lot area (3.5.2.1.C.2).</p> <p>Hog raising projects which exceed this limit are permitted if sponsored by 4-H, FFA or a similar organization, and confirmed by letter. (3.5.2.1.C.3).</p> <p>Greenhouses must be at least 200 ft from every lot line (3.5.2.2).</p>	<p>PERMITTED USE</p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 feet from all property lines (3.5.2.1.A.1).</p> <p>Stock-tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range. (3.5.2.1.B.2).</p> <p>No more than 1 hog weighing more than 50 lbs per 36,000 square ft of lot area (3.5.2.1.C.2).</p> <p>SPECIAL EXCEPTION</p> <p>Hog ranches: hogs must be penned at least 500 ft from any property line (3.5.3.2.C.4).</p> <p>SECONDARY USE: Retail Trade Food and Beverage Sales</p> <p>Only products produced on the premises are allowed to be sold (3.5.9.1.C).</p> <p>Farm stand may not be more than 3,000 square ft (3.5.9.1.B.1).</p> <p>The building cannot be located closer than 20 ft from the property line (3.5.9.1.D).</p> <p>Minimum setback from the street is 150 ft (3.5.9.1.E).</p> <p>Minimum parking area setback is 45 ft from the property line (3.5.9.1.F).</p> <p>Minimum parking area is 800 sq ft. (3.5.9.1.G).</p> <p>Maximum width of entry to the parking area is 30 ft (3.5.9.1.H).</p> <p>Vehicular use area is surface if the stand is open more than 6 months per calendar year. If open for a short time, the area must be maintained to minimize dust (3.5.9.2.1).</p>
SR & SH	<p>PERMITTED USE</p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1).</p> <p>Stock-tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range (3.5.2.1.B.2).</p> <p>No hogs are allowed (3.5.2.1.C.1).</p>	<p>PERMITTED USE</p> <p>Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1).</p> <p>Stock-tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range (3.5.2.1.B.2).</p> <p>No hogs are allowed (3.5.2.1.C.1).</p>

Table 2: TLUC Zoning Rules for Raising Hogs and Livestock by Zone and Land Use Class (cont.)

Zone	Use Class: GENERAL FARMING (for personal use)	Use Class: ANIMAL PRODUCTION (for sale)
MU	PERMITTED USE None	PERMITTED USE Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1). No more than 2 horses or 2 head of cattle per 36,000 sq ft of lot area (3.5.2.1.B.1). Stock-tight fences and cattle guards along boundaries of areas where livestock are kept or grazed, unless the adjacent property is zoned IR or open range (3.5.2.1.B.2). No hogs are allowed (3.5.2.1.C.1).
C-2 & C-3	SECONDARY USE to Family Dwelling Structures for animals must be set back at least 50 ft from all property lines, except corrals which must be set back 10 ft from all property lines (3.5.2.1.A.1). No hogs are allowed (3.5.2.1.C.1).	

The TLUC also includes **DEVELOPMENT DESIGNATORS** that identify specific requirements for structures that are built such as height, density, and the size of perimeter yards. The Development Designator rules are complicated. If you plan to build a structure for the animals you raise, you should consult with *Planning and Developmental Services (791-5550)*.

Definitions

ABUTTING: having a common boundary. Parcels or lots having only a common corner are not considered abutting (TLUC 6.2.1).

ACCESSORY USE: Uses that are incidental to, or necessary for, the operation of the principal **PERMITTED** or **SECONDARY** Land Uses (TLUC 2.1.7).

AGRICULTURAL USE GROUP: land uses that involve the commercial production of crops and animals. The following Land Use Classes comprise the Agricultural Use Group: **ANIMAL PRODUCTION, STOCKYARD OPERATION, CROP PRODUCTION, AND GENERAL FARMING** (TLUC 6.3.3.1).

ANIMAL: any fowl, reptile, amphibian or mammal, except human beings (TCC 04.09).

ANIMAL PRODUCTION: A **LAND USE CLASS** in the **AGRICULTURAL USE GROUP** that entails the keeping, grazing, feeding, and breeding of animals by the property owner or occupant for commercial gain. Typical uses include horse ranches and dairy, poultry, and rabbit farms (TLUC 6.3.3.2).

APIARY: one or more hives, stands, boxes or other structures, natural or otherwise containing bees (TCC 11.03).

CROP PRODUCTION: A **LAND USE CLASS** in the **AGRICULTURAL USE GROUP** that entails growing and harvesting of agricultural products to provide food, fiber, and/or horticultural vegetation for ornamental uses, including field crops, fruit and nut orchards, nurseries, and greenhouse operations (TLUC 6.3.3.3).

CRUELTY: Overdriving, overloading, overworking, torturing, tormenting, cruelly beating, mutilating or unlawfully killing an animal, or causing or procuring an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, cruelly beaten, mutilated or killed, inflicting unnecessary cruelty, cruelly driving or working an animal when it is unfit for labor, or cruelly abandoning it, or carrying it

or causing it to be carried in or upon a vehicle or otherwise, in an unnecessarily cruel or inhumane manner or knowingly and willfully authorizing or permitting it to be subjected to unreasonable or unnecessary torture, suffering or cruelty of any kind (TCC 04-31).

DESTRUCTIVE ANIMAL: any animal that has a propensity to destroy, damage or cause damage to the property of a person other than the animal's owner (TCC 04-7(b)).

DEVELOPMENT DESIGNATOR: Establishes the development criteria, such as height, density, and perimeter yards, required for each land use listed as a Permitted or Special Exception (TLUC 2.1.8).

FOWL: a bird of any kind (TCC 04-9).

GENERAL FARMING: A **LAND USE CLASS** in the **AGRICULTURAL USE GROUP** that entails any combination of **ANIMAL PRODUCTION** and **CROP PRODUCTION** limited to personal use (TLUC 6.3.3.4).

GENERAL PLAN: A policy document that provides a framework for future development in the City. It is used to provide guidance for planning and land use decisions.

LAND USE CLASS: A sub-category of **LAND USE GROUPS** that define specific activities (TLUC 2.1.3).

LAND USE GROUP: Broad categories that identify the activity allowed in various zones (TLUC 2.1.3; 6.3.2.1).

LAND USES: Any activity conducted on a property within the City (TLUC 6.3.1). Activities are categorized into **LAND USE GROUPS**, which are further categorized by **LAND USE CLASSES**. The TLUC defines groups and classes that are **PERMITTED USES, SPECIAL EXCEPTION USES, SECONDARY USES, and ACCESSORY USES** in each zone (TLUC 2.1.3).

LIVESTOCK: Cattle, horses, goats, sheep, hogs, and similar animals (TLUC 5.3.2.1B).

LOT: a tract of land bounded on all sides by property lines, of sufficient size to meet minimum zoning requirements, with legal access to a public street abutting (TLUC, 6-2.1).

LOT LINE: the property lines bounding a lot abutting (TLUC 6.2.1).

MINIATURE PIGS: purebred miniature Vietnamese potbelly pigs (sus bittati), also known as Asian-shar pei, Chinese potbelly pigs, or other similarly purebred miniature pigs (TCC 4-26).

NEGLECT: not providing animals with healthy environments, proper food, water, shelter, medical care, exercise space and ventilation (TCC 04.3(2)).

PERMITTED USE: **LAND USE CLASSES** that are allowed within a zone (TLUC 2.1.4)

PLANNED AREA DEVELOPMENT ZONES: Some parts of the City are zoned as Planned Area Developments (PAD zones, identified by name) that are meant to encourage comprehensive planned development. These zones have distinct regulations that must be adopted by Mayor and Council (TLUC 2.6.3.2). There is an extensive application process for receiving a PAD zone designation (TLUC 2.6.3.6). PAD zones include multiple uses, but must substantially comply with the **GENERAL PLAN**. If you live in a PAD zone, you should contact *Tucson Planning and Development Services Department* for information about raising animals in your Zone. PAD's may have different requirements that supersede other requirements.

PRINCIPAL LAND USE: A land use that is allowed in a zone as a Permitted Land Use or as a Special Exception Land Use. The principal use is generally the primary or predominant activity conducted on a parcel; however, two (2) or more principal uses can be located on the same parcel in some zones (TLUC 3.2.2).

PROPERTY LINE: The **LOT LINE** that defines the exterior limits of a lot **ABUTTING** (TLUC 6.2.1).

SECONDARY USES: Land uses that are permitted within that zone in conjunction with, but subordinate to, a principal Permitted Land Use (TLUC 2.1.6).

SPECIAL EXCEPTIONS: Uses that may be permitted within that zone only if approved through a Special Exception Land Use procedure and if the use complies with any additional conditions listed for the Land Use Class (TLUC 2.1.5).

STOCKYARD OPERATION: A **LAND USE CLASS** in the **AGRICULTURAL USE GROUP** that entails the temporary confinement of **LIVESTOCK** in conjunction with their transport, fattening, or auctioning on a wholesale or retail basis, including feedlots and cattle pens (TLUC 6.3.3.5).

TCC: Acronym for the Tucson City Code, which contains all City ordinances.

TLUC: Acronym for the Tucson Land Use Code, which establishes zones and defines the types of uses that are permitted in each zone.

VICIOUS ANIMAL: any animal that bites, attempts to bite, endangers or otherwise injures or causes to be injured human beings or other animals, (TCC 4-7(d)), except police dogs (TCC 4-7(4)).



Communities Putting Prevention to Work

Made possible by funding from the U.S. Department of Health and Human Services