

**ORDINANCE NO. 2002 - 06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON  
APPROVING AN AMENDMENT TO ZONING CODE CHAPTER 19.31, ANIMAL  
KEEPING REGULATIONS**

**WHEREAS**, the City of American Canyon adopted its Zoning Ordinance in October of 1996; and

**WHEREAS**, the City Council of the City of American Canyon directed Staff to initiate the process for amending the Zoning Code so as to modify the regulations to allow for the keeping of wild or exotic animals in nonresidential districts; and

**WHEREAS**, in order to implement the direction of the City Council, Sections of Chapter 19.31 must be amended to reflect that exotic animals can be kept in nonresidential districts with certain provisions; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed amendments to Chapter 19.31 at its meeting of September 26, 2002, at which time all those in attendance were given the opportunity to be heard; and

**WHEREAS**, the Planning Commission directed Staff to incorporate into the proposed amendments the requirement for Planning Commission review and approval of a Use Permit in each case; and

**WHEREAS**, the Planning Commission considered all written and oral testimony given at the public hearing before taking action to adopt Resolution PC2002-14 forwarding its recommendation to the City Council regarding the proposed amendments to Chapter 19.31; and

**WHEREAS**, it has been determined that the proposed amendments to Chapter 19.31 would have no potential environmental impacts and therefore fall under the General Rule provisions of the California Environmental Quality Act and no environmental analysis is required; and

**WHEREAS**, the City Council held a public hearing on the proposed Zoning Ordinance Amendment on October 17, 2002, at which all those present were given the opportunity to be heard; and

**WHEREAS**, the City Council considered the Resolution of the Planning Commission and all relevant written and oral testimony received at the public hearing.

**NOW, THEREFORE, IT IS HEREBY ORDAINED** by the City Council of the City of American Canyon does that Chapter 19.31 is hereby amended as set forth in Exhibit A hereto and hereby incorporated by reference.

**SECTION I. Effective Date**

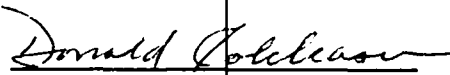
This ordinance shall take effect thirty (30) days after its adoption. A summary of this Ordinance shall be published once in the Vallejo Times Herald, a newspaper of general circulation serving the City of American Canyon, within fifteen (15) days after its passage.

**SECTION II. Severability**

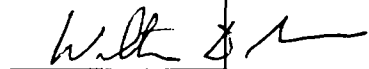
The provisions of this Ordinance shall be severable. If any portion is found to be unconstitutional, illegal or invalid, the remainder shall survive and remain effective and enforceable. Where a conflict arises between the provisions of this Ordinance and any other provisions of the Municipal Code, the provisions of this Ordinance shall apply.

The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 17<sup>th</sup> day of October, 2002, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 21<sup>st</sup> day of November, 2002, by the following vote:


**AYES:** Colcleaser, Canziani, Luporini, Shaver  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Anderson

  
Donald Colcleaser, Mayor

**APPROVED AS TO FORM:**

  
William D. Ross, City Attorney

**ATTEST:**

  
Kay Woodson, Interim City Clerk

file: U: Planning/ccreports2002/wildanimalord

**Chapter 19.31**  
**Animal Keeping Regulations**

**Sections:**

- 19.31.010 Purpose**
- 19.31.020 Animal Keeping Standards**

**19.31.010 Purpose.** The purpose of these standards is to ensure that animals permitted in Chapter 19.05, Use Classifications, are maintained in a manner compatible with residential uses.

**19.31.020 Animal Keeping Standards.** The following standards shall apply to the keeping of animals in ~~residential and mixed-use~~ areas all Districts in order to ensure that animals are maintained in a manner compatible with ~~residential~~ surrounding uses.

**A. Maintenance.**

1. All buildings housing animals, all animal enclosures and all pasture areas shall be maintained free from litter, garbage and the accumulation of manure.
2. The premises shall be maintained in a neat and sanitary manner.
3. Reasonable measures shall be taken by the owners of animals subject to these provisions to ensure that noise, odors, flies, vermin and other nuisances related to animal keeping do not negatively impact adjacent properties.
4. If animals are not maintained in compliance with these standards, or are otherwise allowed to become a nuisance, the City shall initiate enforcement proceedings as provided by Chapter 19.02, Enforcement and Penalties.

**B. Permitted Animals.**

1. **Pets.** Domestic creatures commonly sold in pet stores and kept as household pets may be kept upon any lot in any zone where the principal use upon such lot is residential, so long as animals do not constitute a nuisance and are adequately provided with food, care and sanitary facilities.

2. Livestock. Large animals, including equines, bovines, sheep, and goats, but excluding swine, may be kept for personal purposes where "Livestock Keeping" is permitted as an accessory use in each underlying Zoning District.
3. Other animals, including those of a species normally considered wild, may be kept in any non-residential zone upon approval of a Use Permit in each case and provided that adequate space is available and that the animals are confined in a secure enclosure that precludes a risk to the public and that keeping such species of animal is not prohibited by the laws of the State of California or the United States of America.
4. Anyone keeping an animal that is of a species for which a license or permit to keep such animal is required by state or federal law must have the license or permit present upon the property and at a reasonable day and time allow the Code Enforcement Officer of the City to view that license or permit and to verify that the animals are being kept in compliance with any and all conditions of the license or permit.

5. Indemnification and Notification Policy. In conjunction with the furnishing of evidence of compliance with the laws of the State of California or the United States of America, any person keeping an animal subject to this section 19.31.020 B 4 shall notify the City of the keeping of such animal and indemnify and hold harmless the City, its elected and appointed officials, employees and agents in a manner satisfactory as to form and content to the City Attorney.
  6. Insurance. In addition to the indemnification requirements of Section 19.31.020.B.5, any person keeping an animal subject to Section 19.31.020 B 4 shall maintain at all times during the keeping of such animal an insurance policy from an underwriter acceptable to the City's Risk Manager and authorized to do business in the State of California naming the City, its elected and appointed officials, employees and agents as additional insures in an amount of not less than \$1,000,000.00 per occurrence in a manner satisfactory as to form and content to the City Attorney.
- C. Minimum Lot Size. A minimum lot area of 20,000 square feet is required for Livestock Keeping, as defined by Chapter 19.05, Use Classifications, at least 75% of which is accessible to and usable by the large animal(s).
  - D. Setbacks. All buildings and areas used to house or confine non-domestic animals, including barns, stables, lofts, coops, corrals, pens, feed areas, paddocks, uncovered stables and similar enclosures and accessory structures shall be located behind the residence on the lot and shall maintain side and rear setbacks in accordance with the underlying Zoning District. Additionally, such areas or structures shall maintain a distance of 50 feet from any off-site structure used for human occupancy or habitation. Structures related to the keeping of horses shall be located no closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling.
  - E. Disclosure. Where development or subdivision of property is proposed to occur adjacent to an area where "Livestock Keeping" is permitted as an accessory use in the underlying Zoning District, the deeds of properties included in such development or subdivision shall contain notification of possible livestock keeping on adjacent property.
  - F. Pre-Existing Animal Keeping. Any property upon which animal keeping existed and was ongoing at the time of adoption of the animal keeping regulations and which did not comply with the minimum lot size or setback standards is considered legal non-conforming and may continue to exist providing that there can be no increase in the number of animals or the amount of non-conformance with setback and lot size requirements.