

ORDINANCE #2014- 02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON CALIFORNIA, APPROVING A NEW MUNICIPAL CODE CHAPTER 6.13 TO PROVIDE NEW REGULATIONS ON THE KEEPING OF ROOSTERS IN THE CITY OF AMERICAN CANYON

WHEREAS, the City of American Canyon does not have any regulations in the municipal code related to the keeping of large quantities of roosters; and

WHEREAS, though cockfighting is illegal in all 50 states, it continues in backyards, rural ranches and other places tucked away from law enforcement's eyes. Law enforcement strives to enforce laws that prohibit cockfighting, but as long as large numbers of roosters are permitted on property, jurisdictions without regulations will lure these activities from other places where there is more stringent enforcement of cockfighting laws; and

WHEREAS, in an effort to control the incidence of illegal cockfighting in Napa County, the County Sheriff's Department and animal activists supported adoption of an ordinance that will take effect on April 15, 2014 that regulates the keeping of roosters on private property in unincorporated Napa County; and

WHEREAS, with the County's rooster keeping ordinance becoming effective on April 15, 2014, there is a risk that large concentrations of roosters no longer permitted in the County will be relocated to American Canyon thereby bringing negative consequences to American Canyon; and

WHEREAS, by restricting a single parcel to no more than 4 roosters, the proposed ordinance is not intended to impact American Canyon residents that may have a rooster on their property along with a small quantity of chickens for the benefit of organic, locally grown eggs; and

WHEREAS, the proposed ordinance will exempt legitimate local farm-to-food service organizations, such as Future Farmers of America and the 4-H Club from the 4-rooster limitation; and

WHEREAS, the proposed Municipal Code Chapter 6.13 would establish regulations for appropriate rooster keeping within the City of American Canyon; and

WHEREAS, the Planning Commission of the City of American Canyon unanimously recommended approval of the proposed ordinance; and

WHEREAS, a public hearing was held by the City Council of the City of American Canyon on June 17, 2014 after due notice was given as required by law, at which time oral and documentary evidence was introduced along with the written recommendation of the Community Development Department staff of the City of American Canyon.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON CALIFORNIA, DOES HEREBY APPROVE AMENDMENTS TO THE MUNICIPAL CODE TO ADD CHAPTER 6.13 AS FOLLOWS:

SECTION 1. The adoption of the proposed ordinance is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA). In addition, the proposed ordinance amendment is exempt under the definition of Project in Section 15378 (b)(3) in that it concerns general policy and procedure making.

SECTION 2. American Canyon Municipal Code Chapter 6.13, Rooster Keeping, is hereby added to the Municipal Code:

Chapter 6.13 KEEPING OF ROOSTERS

Sections:

6.13.010 Purpose.

6.13.020 Definitions.

6.13.030 Rooster keeping.

6.13.040 Tethering prohibited.

6.13.050 Liability and enforcement.

6.13.010 Purpose.

The intent of this chapter is to limit the number of roosters that may be kept on a single legal parcel, to eliminate the potential for public nuisance, illegal cockfighting and the raising of birds to be used for cockfighting, and for the protection of the health and safety of the residents of American Canyon.

6.13.020 Definitions.

Unless the context requires otherwise, the definitions in this section shall govern the interpretation of the provisions of this chapter.

- A. "Agricultural commissioner" means the Napa County agricultural commissioner-sealer of weights and measures, or the agricultural commissioner's designees.
- B. "City" means the City of American Canyon
- C. "Cockfighting" is the practice of setting two male birds or roosters to fight each other.

D. "Rooster" means any male chicken which has any one of the following characteristics:

1. Six months or older;
2. Has full adult plumage;
3. Capable of crowing.

6.13.030 Rooster keeping.

A. The number of roosters that may be raised or kept on any property within the City of American Canyon is limited in accordance with the following schedule:

Parcel Size	Maximum # Roosters
Less than 0.5 acres	No (0) Roosters
0.5 acres to 1.5 acres	One (1) Rooster
Greater than 1.5 acres	Four (4) Roosters

B. Rooster enclosures shall have a minimum set back from adjacent residences of one hundred & fifty (150) feet.

C. This section shall not apply to commercial poultry ranches whose primary commodity is the production of eggs or meat for sale as permitted by the City, public or private schools as registered with the California Department of Education, Future Farmers of America (FFA) or 4-H sponsored projects, or to legitimate poultry hobbyists as approved in writing by the agricultural commissioner.

D. Each individual rooster beyond the rooster limitation in subsection (A) above constitutes a separate violation.

E. No rooster may kept on property so that it constitutes a nuisance in accordance with Chapter 8.12 of the Municipal Code (Community Noise Ordinance).

F. Nothing in the foregoing is to be construed as approving the keeping of any poultry in contravention of any statute, zoning ordinance, or other law.

G. At all times, roosters shall be provided:

1. Access to water and shelter from the elements (rain, wind, direct sun, etc.);
2. Sufficient room to spread both wings fully and to be able to turn in a complete circle without any impediment and without touching the side of an enclosure; and

3. Clean and sanitary premises that are kept in good repair.

H. The agricultural commissioner shall establish written standards necessary to carry out the intent of this chapter and may condition any approval based on compliance with the written regulations and standards. Failure of any property owner and any person occupying or leasing the property to comply with any of the provisions of this chapter or applicable law, or the regulations and standards of the agricultural commissioner shall constitute good cause for the denial of any approval, either original or renewal, or for its revocation.

6.13.040 Tethering prohibited.

Notwithstanding any other provision of law, no person shall maintain any rooster by means of a tether attached to an object. Each individual rooster so tethered constitutes a separate violation.

6.13.050 Liability and enforcement.

A. Any person who violates any of the provisions of this chapter shall be guilty of either an infraction or a misdemeanor.

B. In addition to the penalties set forth in subsection (A), violators of this chapter may be subject to a public nuisance abatement action brought under the provisions of Section 9.12 and the civil penalty provisions as provided in subsection (D) of Section 9.12.030 and may also be subject to an unfair competition action brought pursuant to Business and Professions Code Section 17200 et. seq and up to two thousand five hundred dollars civil penalty per violation.

C. The civil remedies and penalties provided by this subsection are cumulative to each other.

SECTION 3. Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional., is for any reason held to in invalid or unconstitutional.

SECTION 4. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen days of its adoption cause a summary of it to be

published in a newspaper and circulated in the City and thereupon and thereafter this Ordinance shall take effect and be in force according to law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of American Canyon on the 15th day of July, 2014, by the following vote:

MAYOR GARCIA:	<u>YIS</u>
VICE MAYOR RAMOS BENNETT:	<u>YIS</u>
COUNCIL MEMBER BENNETT:	<u>YIS</u>
COUNCIL MEMBER JOSEPH:	<u>YIS</u>
COUNCIL MEMBER LEARY:	<u>YIS</u>

Leon Garcia
Leon Garcia, Mayor

ATTEST:
Rebekah Barr
Rebekah Barr, MMC, City Clerk

APPROVED AS TO FORM:
William D. Ross
William D. Ross, City Attorney