

ORDINANCE NO. _____ (N.C.S.)

**AN ORDINANCE ALLOWING DOMESTIC CHICKENS IN LOW-DENSITY
RESIDENTIAL DISTRICTS**

City Attorney Impartial Analysis

The proposed ordinance amends and adds provisions to Chapter 7 and Chapter 37 of the Salinas Municipal Code. The proposed ordinance allows for the keeping of up to four (4) domestic chickens per residential lot only in the low-density residential zoning district (R-L Zoning District). Roosters are prohibited and may not be kept anywhere within the city. Domestic chickens may be kept subject to development regulations including a minimum lot size of 5,500 square feet, a ten-foot setback from the property lines, a properly constructed and maintained hen house/coop, and the prevention of odors beyond the property's boundaries. Violations of the development regulations are deemed a public nuisance and are subject to criminal or administrative enforcement.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS as follows:

SECTION 1. The definition for "Animal, Domestic" in Salinas Municipal Code Section 37-10.250 is hereby amended to read as follows:

"Animal, Domestic. Animals of the type generally accepted as pets, including dogs, cats, rabbits, birds, reptiles, and the like. Excludes hoofed animals, chickens (except as otherwise defined in Section 37-10.280), ducks, geese, peafowl, fish, and the like, and any animals, birds, or fish maintained for commercial purposes."

SECTION 2. Footnote 4 to Table 37-30.30 in Salinas Municipal Code Section 37-30.060 is hereby amended to read as follow:

"(4) Not more than four domestic animals are permitted per residential dwelling except that newborn and baby animals up to the age of three months shall not be counted. See Section 7-02.200, et seq.: Domestic Chickens."

SECTION 3. Salinas Municipal Code section 37-10.280 is hereby amended to add the following definition:

"Domestic Chicken. An egg-laying female chicken (hen) maintained for non-commercial purposes. For the purposes of this section, domestic chickens shall not include male chickens (roosters)."

SECTION 4. Article II of Chapter 7 of the Salinas Municipal Code is hereby amended in its entirety to read as follows:

"Article II. Keeping Livestock.

~~Sec. 7-21. 7-02.100.~~ Keeping of Livestock Prohibited.

The keeping of livestock shall be prohibited in the city, except as may otherwise be permitted pursuant to this Article or Chapter 37 of the Municipal Code. For purposes of this chapter, "livestock" shall be defined to mean animals typically kept or raised in an agricultural or ranching or farming setting and includes, but is not necessarily limited to, cows, pigs, sheep horses, alpaca, goats, and poultry or fowl.

Sec. 7-02.200. Domestic Chickens.

a. Definitions.

1. Domestic Chicken means an egg-laying female chicken (hen). For purposes of this section, domestic chicken shall not include male chickens (roosters).
2. Hen House/ Coop means a house or enclosure for the domestic chickens, made of metal chicken wire, or other suitable material, to prevent the escape of domestic chickens and to provide protection from natural predators and temperature extremes. Hen houses shall be clean, dry, odor-free, neat, and sanitary structures and shall have adequate ventilation, adequate sun and shade, and adequate space for the domestic chickens to lie down, stand up, fully extend their limbs, turn around freely, and otherwise move freely around the hen house. Hen houses shall be impermeable to rodents, wild birds, and predators including racoons, dogs, and cats, and shall be maintained in good repair to prevent escape.

b. Development Regulations. Up to four domestic chickens shall be permitted per lot within the Residential Low Density (R-L) District, as set forth in Chapter 37 of this Code, and subject to the following rules and development regulations:

1. No more than four domestic chickens shall be allowed per residential lot, with a minimum lot size of 5,550 sq. ft. Roosters may not be kept at any location in the city.
2. Domestic chickens shall not be slaughtered on the property where they are being raised and may only be slaughtered at locations designed and permitted for such activity.
3. Eggs harvested from the domestic chickens may not be sold.
4. Domestic chickens shall only be kept at a residential lot if the lot has a suitable hen house/coop. The hen house/coop shall be located at least ten feet from the property boundaries. Hen houses/coops shall be kept clean and maintained in good repair and shall be of a sufficient size to provide adequate and proper housing to prevent overcrowding. Hen houses must be located in the back yard and shall not be visible from the front of the property
5. Domestic chickens may be allowed to roam in an enclosed area outside of the hen house/coop, provided the run area is otherwise consistent with the requirements of this Article Domestic chickens shall not be allowed to run at large on public or private property. Chickens may be permitted outside of an enclosure on the property only within the back yard and only when attended by a person.

6. Odors from domestic chickens, manure or other related substances shall not be perceptible beyond the property boundaries. Manure in excess of that which can be safely and sanitarily utilized on the property shall be removed and not allowed to accumulate.
 7. Domestic chickens must be provided with access to feed and to clean water at all times.
 8. All feed and other items associated with keeping domestic chickens which are likely to attract or to become infested with or infected by rats, mice, rodents, wild birds, or predators shall be stored properly to prevent spoilage and to prevent rats, mice, rodents, wild birds, or predators from gaining access to or coming into contact with the feed or such other items.
 9. Domestic chickens shall be treated humanely in accordance with this Article and with applicable State law.
 10. The keeping of domestic chickens shall not result in a public or private nuisance.
- c. The violation of any of the development regulations or the failure to comply with any other provision of this Article is hereby deemed a public nuisance.
- d. Permit Required. It is unlawful for any person to keep or to maintain any domestic chicken without first obtaining a permit. Permits issued pursuant to this Article are the property of the City and are not transferrable.
1. Application—Permit Fee. An application for a permit for keeping domestic chickens shall be made on a form provided by the City, shall be accompanied by payment of a non-refundable annual permit fee in an amount set by resolution of the City Council, and shall include, but not limited to, the following information: the address and telephone number of the applicant; the number of domestic chickens; a description of all hen houses/coops, cages, and enclosures constructed for housing and confining the domestic chickens; the distance of the location of all hen houses/coops, cages, and enclosures from all dwelling units (including those on adjacent sides); and such other information as the City reasonably deems necessary to carry out the purpose and the intent of this Article. The annual non-refundable permit fee shall recover the cost of activities associated with the administration, regulation, and issuance of permits. If at any time any of the information submitted under this section becomes false or inaccurate, the permittee shall within five (5) days of that time file an amendment to the application setting forth the currently accurate information. No additional fee shall be required for such amendment.
 2. Permit Issuance—Term. Upon submission of a completed application and payment of the non-refundable annual permit fee, and if the City finds that the

proposed keeping of domestic chickens complies with the requirements of this Article, the City shall issue a permit. The permit shall be valid for a period of one year from the date of issuance and may be revoked or suspended for non-compliance with the provisions of this Article.

3. Permit Renewal. Permits for keeping domestic chickens shall be renewable annually upon the filing and the approval of a new application and payment of the then applicable non-refundable annual permit fee.

e. License Required. It is unlawful for any person to keep or to maintain any domestic chicken without first obtaining a license for each domestic chicken. Licenses are not transferrable and may be obtained upon payment of a non-refundable license fee in an amount set by resolution of the City Council. The license shall be valid for the life of the domestic chicken.

f. Regulations. The City may promulgate regulations pursuant to this Article to protect the health, safety, and welfare of the public and to insure the proper and humane treatment of all domestic chickens kept in the city. The regulations shall be effective upon approval by City Council resolution. Violation of the regulations promulgated pursuant to this section shall constitute a violation of this Article.

g. Enforcement and penalties. Violation of any provision of this Article shall be an infraction and may be enforced pursuant to Section 1-01.08 of the Municipal Code and alternatively may be enforced by Administrative Remedies pursuant to Article 5 of Chapter 1 of the Municipal Code.

SECTION 7. The City Council finds and determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that implementation of the Ordinance may have a significant effect on the environment. (CEQA Guidelines Section 15061(b)(3).)

SECTION 8. Publication. The City Clerk shall cause a summary of this ordinance to be published once in a newspaper published and circulated in Salinas within fifteen (15) days after adoption. (Salinas Charter Section 11.9)

SECTION 9. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause, and phase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. Effective Date. This Ordinance will take effect thirty (30) days from and after its adoption.

PASSED AND ADOPTED this ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Kimbley Craig, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney