



# City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814  
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**Meeting Date:** 8/30/2011

**Report Type:** Staff/Discussion

**Title: Ordinance: Keeping of Hen Chickens (Passed for Publication on 8-23-11; Published on 8-26-11)**

**Report ID:** 2011-00690

**Location:** Citywide

**Recommendation:** 1) Adopt an Ordinance amending Section 9.44.340 and adding Article XI to Chapter 9.44 of the Sacramento City Code, relating to the keeping of chickens, and to take effect on November 1, 2011; and 2) adopt a Resolution: a) adopting a permit fee of \$15 per household keeping hen chickens and an annual license fee of \$10 per hen chicken, to take effect on November 1, 2011; and b) approving Rules and Regulations (Exhibit A of the Resolution), to take effect on November 1, 2011.

**Contact:** Reina Schwartz, Director of General Services, (916-) 808-7195, General Services Department

**Presenter:** Reina Schwartz, Director of General Services, (916-) 808-7195, General Services Department

**Department:** General Services Dept

**Division:** Animal Care Administration

**Dept ID:** 13001141

## **Attachments:**

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- 1-Description/Analysis
- 2-Redline Version
- 3-Clean Version
- 4-Resoluion
- 5-Exhibit A

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### **City Attorney Review**

Approved as to Form  
Lan Wang  
8/25/2011 10:45:11 AM

### **City Treasurer Review**

Prior Council Financial Policy Approval or  
Outside City Treasurer Scope  
Russell Fehr  
8/16/2011 10:07:16 AM

## **Approvals/Acknowledgements**

Eileen Teichert, City Attorney

Shirley Concolino, City Clerk  
**William H. Edgar, Interim City Manager**

Russell Fehr, City Treasurer

Department Director or Designee: Reina Schwartz - 8/24/2011 9:13:58 AM

Assistant City Manager: Michelle Heppner - 8/25/2011 9:50:11 AM



## Description/Analysis

**Issue:** On August 23, 2011 City Council passed for publication an ordinance that would allow for the keeping of hen chickens on residential property within City limits.

The proposed ordinance includes provisions:

- Allowing for the keeping of up to three hen chickens per parcel of residential property with a permit (renewable annually).
- Requiring hen chickens to be confined and properly caged in a pen, coop, or cage at all times.
- Requiring hen chickens to be kept within an enclosure at least twenty feet from any neighboring dwelling unit.
- Prohibiting hen chickens from being allowed to be a noise disturbance across real property lines.
- Prohibiting the slaughter of hen chickens in any residential zone.
- Prohibiting the keeping of roosters on residential parcels.
- Giving the Animal Care Manager the authority to promulgate regulations to protect the health, safety, and welfare of the public and to ensure proper and humane treatment of all hen chickens kept within City limits.

The proposed Rules and Regulations include provisions:

- Requiring the tagging of all hen chickens for identification.
- Requiring that all enclosures for hen chickens be well maintained and clean.
- Requiring that feed for hen chickens is stored properly.
- Specifying the minimum and maximum size allowed for enclosures and the location of chicken coops as well as the requirement of nest boxes.

**Policy Considerations:** The recommendations in this report are consistent with the direction given by the L&L Committee. The recommended ordinance and rules and regulations will allow for safely keeping hen chickens within residential property. The ordinance's effective date of November 1, 2011 will allow staff the needed time to make the necessary software changes, develop procedures for the chicken banding process and conduct training for 311 and enforcement staff. Also, pursuant to the L&L Committee's direction, staff will return to Council with reports back on the program after six and twelve months.

### Environmental Considerations:

**California Environmental Quality Act (CEQA):** Under CEQA guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

**Sustainability:** Allowing for hen chickens on residential property will give citizens the option to provide a local sustainable food source for themselves and their families.

**Commission/Committee Action:** On October 5, 2010, the discussion of egg-laying chickens went before the L&L Committee. Staff was directed to return with more information to determine policy direction. On November 16, 2010, the L&L Committee heard a report back on this item; however, no action was taken at the time. On February 15, 2011, the L&L Committee directed staff to draft an ordinance that would allow for the keeping of hen chickens

on residential property within City limits. On August 23, 2011, this item was passed for publication.

**Rationale for Recommendation:** The proposed ordinance and rules and regulations provide clear and reasonable requirements for keeping of hen chickens on residential property. In addition, these requirements provide for the safety and health of both the hen chickens and residents.

**Financial Considerations:** Enforcement of this ordinance will be complaint-based. Staff proposes a \$15 permit fee per household keeping hen chickens to cover the estimated cost of printing permits and other materials outlining the rules and regulations, as well as staff time to process the permits, and a \$10 annual license fee per hen chicken, which is consistent with the current license fee per cat.

On February 15, 2011, Councilmember Sheedy requested staff provide information on making the ordinance cost neutral. Based on the proposed fees noted above, administration of the program should be cost neutral, however, the proposed license fee would have to be increased to approximately \$100 per hen chicken for enforcement to be cost neutral.

The following tables provide information on estimated program costs and revenue:

<b>Administration</b>	
Estimated permit fee revenue (\$15 x 100 households)	\$1,500
Estimated administrative cost	\$1,500
Cost Differential	\$0

<b>Enforcement</b>	
Estimated license revenue (\$10 x 300 chickens)	\$3,000
Estimated enforcement cost (550 calls x 1 hour x \$55 per hour)*	\$30,250
Cost Differential	(\$27,250)

\*Based on the current estimated annual cost to respond to calls related to chickens

It should be noted, however, that not all calls regarding nuisances associated with chickens will come from households that have complied with the ordinance and as such, full cost recovery is difficult to establish at this time. During research on this matter, other jurisdictions reported to staff that they have not seen an increase in calls or problems associated with residents owning hen chickens. At the 12-month report back, staff will provide information based on the first six to nine months of implementation and recommend fee adjustments, if warranted.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased as a result of this report.



## ORDINANCE NO. 2011-

Adopted by the Sacramento City Council

Date Adopted

### AN ORDINANCE AMENDING SECTION 9.44.340 AND ADDING ARTICLE XI TO CHAPTER 9.44 OF THE SACRAMENTO CITY CODE, RELATING TO THE KEEPING OF CHICKENS, AND TO TAKE EFFECT ON NOVEMBER 1, 2011

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

#### **SECTION 1.**

A. Subsection A of Section 9.44.340 of the Sacramento City Code is amended to read as follows:

A. Except as provided in subsection B of this section, and in Section 9.44.350 of this chapter, it is unlawful to keep, harbor, or maintain any bovine animal, horse, mule, burro, sheep, goat, duck, turkey, goose or other domestic livestock or poultry on any parcel of property located in the city.

B. Except as modified above, Section 9.44.340 of the Sacramento City Code shall remain unchanged and in full force and effect.

#### **SECTION 2.**

Article XI is added to Chapter 9.44 of Title 9 of the Sacramento City Code to read as follows:

#### **Article XI. Keeping of Chickens**

##### **9.44.860 Keeping of chickens—Unlawful; Restrictions.**

A. It is unlawful to keep, possess, or maintain chickens on any parcel of property located in the city, except in accordance with the following restrictions:

1. A maximum of three hen chickens may be kept on a developed lot used exclusively for residential purposes, but only if authorized under a permit issued pursuant to this article.

2. All hen chickens shall be confined in a pen, coop, or cage, or other enclosure at all times.

3. All hen chickens shall be kept within an enclosure that is at least 20 feet distant from any dwelling unit on an adjacent parcel. The definition of “dwelling unit” in section 17.16.010 of this code shall apply to this section. Enclosures shall be situated in the

rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.

4. No hen chickens shall be kept in the front yard on any developed lot used exclusively for residential purposes.

5. No hen chickens kept on a lot shall be allowed to create a noise disturbance audible on any adjoining lot.

6. No hen chickens shall be slaughtered on any developed lot used exclusively for residential purposes.

B. Roosters are not permitted on any developed lot used exclusively for residential purposes.

#### **9.44.870 Permit Required.**

It is unlawful for any person to keep, possess, or maintain any hen chicken on any lot used exclusively for residential purposes without first obtaining a permit from the animal care services manager. Permits are the property of the city and are not transferable.

#### **9.44.880 Permit Requirements.**

A. Application—Permit fee.

An application for a permit for keeping hen chickens shall be made on a form provided by the animal care services manager, shall be accompanied by payment of a nonrefundable annual permit fee in an amount set by resolution of the city council, and shall include, but not be limited to, the following information: the number of hen chickens; a description of all pens, coops, cages, and enclosures constructed for housing and confining hen chickens; the distance of the location of all pens, coops, cages, and enclosures from all dwelling units on adjacent parcels; and such other information as the animal care services manager reasonably deems necessary to carry out the purpose and intent of this article. The annual nonrefundable 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 days of that time file an amendment to the application setting forth the currently accurate information. No additional fee shall be required for such an amendment.

B. Permit issuance—Term.

Upon submission of a completed application and payment of the nonrefundable annual permit fee specified in subsection A above, and if the animal care services manager finds that the proposed keeping of hen chicken(s) complies with the requirements of article, the animal care services manager shall issue a permit. The permit shall be valid

for a period of one year from the date of issuance.

C. Permit renewal.

Permits for keeping hen chickens shall be renewable annually upon the filing and approval of a new application and payment of the nonrefundable annual permit fee specified in subsection A above.

**9.44.890 Regulations.**

The animal care services manager 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 hen 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 chapter.

**9.44.900 Exceptions to restrictions.**

This article XI shall not apply:

A. To any parcel of property zoned for agricultural uses by applicable provisions of the zoning ordinance of the city or to any property zoned rural estates and located within the area bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and located with the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Boulevard on the east (and generally known as the Ascot Avenue overlay zone).

B. Where keeping, harboring, or maintaining hen chickens would constitute a valid nonconforming use under the applicable provisions of the zoning ordinance of the city.

**SECTION 3.**

Pursuant to Sacramento City Charter section 32(f), this ordinance shall be effective on November 1, 2011.



# ORDINANCE NO. 2011-

Adopted by the Sacramento City Council

Date Adopted

## **AN ORDINANCE AMENDING SECTION 9.44.340 AND ADDING ARTICLE XI TO CHAPTER 9.44 OF THE SACRAMENTO CITY CODE, RELATING TO THE KEEPING OF CHICKENS, AND TO TAKE EFFECT ON NOVEMBER 1, 2011**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

### **SECTION 1.**

A. Subsection A of Section 9.44.340 of the Sacramento City Code is amended to read as follows:

A. Except as provided in subsection B of this section, and in Section 9.44.350 of this chapter, it is unlawful to keep, harbor, or maintain any bovine animal, horse, mule, burro, sheep, goat, duck, turkey, goose or other domestic livestock or poultry on any parcel of property located in the city.

B. Except as modified above, Section 9.44.340 of the Sacramento City Code shall remain unchanged and in full force and effect.

### **SECTION 2.**

Article XI is added to Chapter 9.44 of Title 9 of the Sacramento City Code to read as follows:

#### **Article XI. Keeping of Chickens**

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1. A maximum of three hen chickens may be kept on a developed lot used exclusively for residential purposes, but only if authorized under a permit issued pursuant to this article.

2. All hen chickens shall be confined in a pen, coop, or cage, or other enclosure at all times.

3. All hen chickens shall be kept within an enclosure that is at least 20 feet distant from any dwelling unit on an adjacent parcel. The definition of “dwelling unit” in section

17.16.010 of this code shall apply to this section. Enclosures shall be situated in the rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.

4. No hen chickens shall be kept in the front yard on any developed lot used exclusively for residential purposes.

5. No hen chickens kept on a lot shall be allowed to create a noise disturbance audible on any adjoining lot.

6. No hen chickens shall be slaughtered on any developed lot used exclusively for residential purposes.

B. Roosters are not permitted on any developed lot used exclusively for residential purposes.

#### **9.44.870 Permit Required.**

It is unlawful for any person to keep, possess, or maintain any hen chicken on any lot used exclusively for residential purposes without first obtaining a permit from the animal care services manager. Permits are the property of the city and are not transferable.

#### **9.44.880 Permit Requirements.**

A. Application—Permit fee.

An application for a permit for keeping hen chickens shall be made on a form provided by the animal care services manager, shall be accompanied by payment of a nonrefundable annual permit fee in an amount set by resolution of the city council, and shall include, but not be limited to, the following information: the number of hen chickens; a description of all pens, coops, cages, and enclosures constructed for housing and confining hen chickens; the distance of the location of all pens, coops, cages, and enclosures from all dwelling units on adjacent parcels; and such other information as the animal care services manager reasonably deems necessary to carry out the purpose and intent of this article. The annual nonrefundable 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 days of that time file an amendment to the application setting forth the currently accurate information. No additional fee shall be required for such an amendment.

B. Permit issuance—Term.

Upon submission of a completed application and payment of the nonrefundable annual permit fee specified in subsection A above, and if the animal care services manager finds that the proposed keeping of hen chicken(s) complies with the requirements of

article, the animal care services manager shall issue a permit. The permit shall be valid for a period of one year from the date of issuance.

C. Permit renewal.

Permits for keeping hen chickens shall be renewable annually upon the filing and approval of a new application and payment of the nonrefundable annual permit fee specified in subsection A above.

**9.44.890 Regulations.**

The animal care services manager 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 hen 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 chapter.

**9.44.900 Exceptions to restrictions.**

This article XI shall not apply:

A. To any parcel of property zoned for agricultural uses by applicable provisions of the zoning ordinance of the city or to any property zoned rural estates and located within the area bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and located with the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Boulevard on the east (and generally known as the Ascot Avenue overlay zone).

B. Where keeping, harboring, or maintaining hen chickens would constitute a valid nonconforming use under the applicable provisions of the zoning ordinance of the city.

**SECTION 3.**

Pursuant to Sacramento City Charter section 32(f), this ordinance shall be effective on November 1, 2011.



## **RESOLUTION NO. 2011-XXXX**

Adopted by the Sacramento City Council

**August 30, 2011**

### **APPROVING PERMIT AND LICENSE FEES AND RULES AND REGULATIONS FOR THE KEEPING OF HEN CHICKENS**

#### **BACKGROUND**

- A. On February 15, 2011, the Law and Legislation Committee directed staff to draft an ordinance that would allow for the keeping of hen chickens on residential property within City limits. Staff was also given direction to provide information on making the ordinance cost neutral.
- B. Administration of the program is estimated to be cost neutral based on the recommended permit fee; however, the recommended license fee would have to be increased to approximately \$100 per hen chicken for enforcement to be cost neutral. Therefore, the recommended license fee has been established at a level which is consistent with the current license fee per cat. Staff will report back to City Council after twelve months with information based on the first six to nine months of implementation and recommend fee adjustments, if warranted.
- C. The recommended rules and regulations provide clear and reasonable requirements for keeping of hen chickens on residential property. In addition, these requirements provide for the safety and health of both the hen chickens and residents.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. A permit fee of \$15 per household keeping hen chickens and an annual license fee of \$10 per hen chicken are hereby adopted, to take effect on November 1, 2011.
- Section 2. The recommended Rules and Regulations (Exhibit A) for the keeping of hen chickens are hereby approved, to take effect on November 1, 2011.
- Section 3. Exhibit A is a part of this Resolution.



CITY OF SACRAMENTO  
ANIMAL CARE SERVICES  
RULES AND REGULATIONS FOR KEEPING OF HEN CHICKENS

Pursuant to Sacramento City Code section 9.44.890, these regulations are adopted relating to the keeping of hen chickens. These regulations are in addition to the requirements imposed under the Sacramento City Code.

1. All hen chickens shall be tagged for identification. All tag identification information shall be provided to Animal Care Services.
2. All pens, coops, cages, and other enclosures for hen chickens shall at all times be maintained in a clean, sanitary condition, free from offensive odors. An odor is offensive if it can be detected at the adjoining property line.
3. Chicken feed for hen chickens shall be stored properly to prevent spoilage and to prevent other animals, including rodents, from gaining access to the feed.
4. All hen chicken manure, feces, feathers, skins, and related detritus shall be removed and disposed of in a sanitary manner within 24 hours of occurrence. Pending disposal, the materials shall be stored in air-tight containers.
5. All chicken pens, coops, cages, and other enclosures shall be situated in the rear yard and shall meet all of the following requirements:
  - a. A minimum size of 15 square feet.
  - b. A maximum size of 42 square feet.
  - c. The exterior perimeter of the enclosure shall consist of a fence or suitable fencing material on all sides, including a top or ceiling to keep the hen chickens contained and confined within the enclosure.
  - d. The interior of all chicken enclosures shall include nest boxes, chicken roost(s), feeder(s), and water containers for use by the hen chickens.
  - e. All chicken enclosures shall have adequate ventilation.