

REPORT TO COUNCIL

City of Sacramento

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www.CityofSacramento.org



STAFF REPORT
October 5, 2010

**Honorable Members of the
Law and Legislation Committee**

Title: Discussion Paper: Egg-laying Chickens in the City of Sacramento

Location/Council District: Citywide

Recommendation: Discussion and policy direction on whether or not to draft an ordinance to allow egg-laying chickens in the City of Sacramento.

Contact: Penny Cistaro, Animal Care Services Manager, 808-7433

Presenter: Penny Cistaro, Animal Care Services Manager, 808-7433

Department: General Services

Organization No: 13001121

Description/Analysis

Issue: At the request of council member Councilmember Fong, staff is bringing forward for discussion and policy direction an ordinance for consideration to allow egg-laying chickens in the City. Existing City Code does not permit chicken keeping in residential areas or any other parcel located in the city. However, there are residents who keep chickens and Animal Care Services regularly responds to chicken keeping and nuisance complaints. Staff has done some initial community outreach to interested parties; their suggestions and concerns are included in the background of this report.

Policy Considerations:

The primary policy consideration for the Committee is whether to direct staff to draft an ordinance that would authorize chicken keeping within the city limits. Attachment 2, page 6, of this report provides information on what other jurisdictions have done relative to chicken keeping. Should the Law & Legislation Committee wish to consider allowing chicken keeping in city limits, staff is requesting policy direction on the potential number and type of birds allowed; the potential restrictions on, zoning, and the potential to permit and charge associated fees to implement and enforce the proposed ordinance.

Committee/Commission Action: None

Environmental Considerations:

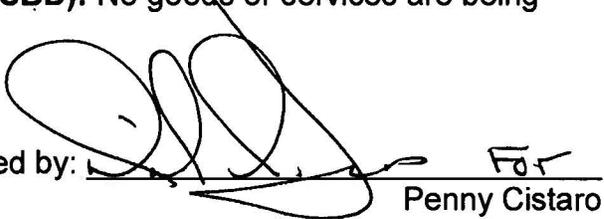
California Environmental Quality Act (CEQA): Because this report concerns general policy and procedure making, CEQA does not apply per Section 15378(b)(3), which states that continuing administrative or maintenance activities, which are not conducted in conjunction with a project subject to CEQA review, are not considered to be "projects" and are therefore exempt from CEQA.

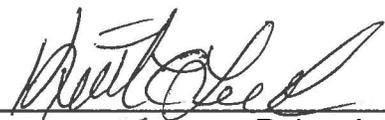
Sustainability Considerations: None

Rationale for Recommendation: There is no staff recommendation. This report is for the Committee's information and to provide staff with policy direction.

Financial Considerations: None.

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

Respectfully Submitted by:  For
Penny Cistaro
Animal Care Services Manager

Approved by:  For: Reina J. Schwartz
Director, Department of General Services

Recommendation Approved:

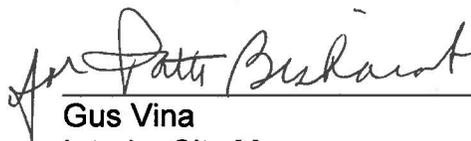

Gus Vina
Interim City Manager

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Attachment 1

Background Information

At the request of council member Fong, staff is bringing forward for discussion and policy direction an ordinance for consideration to allow egg-laying chickens in the City. City Code Sections 9.44.340 and 9.44.360 govern the keeping of live stock in the city and the proximity which any allowable live stock may be maintained to dwellings or structures on adjacent properties.

Section 9.44.340: Except under certain conditions, it is unlawful to keep, harbor, or maintain any bovine animal, horse, mule, burro, sheep, goat, chicken, duck, turkey, goose or other domestic livestock or poultry on any parcel of property located in the city.

Section 9.44.360: It is unlawful to locate, or cause to be located, or to maintain any part of any lot, building, structure, pen or enclosure used for keeping of any animal mentioned in Section 9.44.340 nearer than seventy-five (75) feet to any building or structure on adjacent property used for dwelling purposes, food preparation, food service, school, hotel or as a place of public assembly.

Currently there are residents who keep chickens in city limits and Animal Care Services regularly responds (424 last fiscal year) to chicken-keeping and nuisance complaints. Unlike the license fees charged to residents for keeping allowable animals like dogs and cats in city limits, the City does not receive any revenues for enforcing chicken keeping and nuisance complaints.

Staff has done some initial community outreach to the Sacramento based Campaign to Legalize Urban Chicken Keeping (CLUCK) and other interested citizens. Staff presented the issue of allowing egg-laying chickens to the Animal Care Services Advisory Committee (ACSAC) who, while recognizing the value of egg-laying chickens, had some concerns regarding enforcement, public health, and care of chickens. In addition, staff researched ordinances from other urban cities that allow egg-laying chickens. Attachment 2, page 6, of this report provides information on what other jurisdictions have done relative to chicken keeping. From this initial outreach and research, staff compiled a wide range factors (below) that need to be considered in providing policy direction to staff:

Reasons for allowing chickens in city limits

1. Food source

Advocates for egg-laying chickens debate that organic and homegrown eggs vs. conventional store-bought eggs are superior in nutritional value and the harmful effects of antibiotics, hormones and other chemical additives are avoided. Additionally, they believe eggs offer a cheaper food solution for citizens in this down economy.

2. Chickens as pets

Research revealed that in addition to chickens being a safe and affordable food source, they are kept as pets because they help don't create allergies and they can serve as an educational opportunity for family members on how food is produced.

3. Insect and weed control

Research revealed that chickens facilitate insect and weed control. Chickens eat a variety of insects such as ticks, beetles, slugs and mosquito larvae. Weeds with seeds are a prime target for chicken grazing. In the spring chickens will feast especially on dandelions, chick weed, and other low seed-bearing weeds to help the lawn.

4. Food and solid waste reduction

Research revealed that chickens are good for waste reduction because they will eat fruit and vegetable scraps that can be diverted from household waste and garbage disposals.

5. Compost/fertilizer

Chicken droppings can be used as a general organic fertilizer for trees and shrubs. When chickens are allowed to visit a compost pile, they will perform needed labor: toss the compost pile, shred leaves, and remove unwanted grubs or maggots.

Enforcement, nuisance, and care of chickens

1. Noise

Research revealed that chickens can be as loud as a barking dog. The noise level can reach levels between 60-70 dBA. Existing City Code 8.68.060 – Exterior noise standards for agricultural and residential properties - allows for 55 dBA during the hours of 7 AM to 10 PM and 50 dBA from 10 PM to 7 AM.

2. Rodents

Rodents are attracted to any unprotected food source, therefore if the chicken coops are not kept clean, they will attract rats, wild birds and predators such as cats, coyotes, dogs, raccoons and skunks. Preventative measures such as chicken feed containers and well designed coops can help alleviate increased rodents and other food predators.

3. Slaughtering

While home slaughtering is generally not endorsed by chicken keeping advocates, there are concerns that home slaughtering might occur, and if not properly cleaned and sanitized, may create unintended health and safety issues in neighborhoods.

4. Nuisance

Chickens themselves do not smell, however, improper care and maintenance of the chicken coops and enclosures can create odor and unsanitary conditions due to food and feces attracting attract flies and other unwanted insects and rodents.

If not contained in proper chicken coops, owners run the risk of them getting out, and/or hurt, and picked up as a result of a nuisance complaint. This could be costly to both the owner and Animal Care Services.

5. Proximity to neighbors

With pockets of density throughout the city, it may be difficult to formulate consistent and fair distance requirements with a wide variety of lot sizes (big to small).

Other considerations

1. Staffing levels

With more than a 20 percent staff reduction and additional mandatory furlough requirements, current staffing level is only available for critical service calls such as dog bites, sick/injured animals, stray dogs at school ground, animals at large etc. With the additional enforcement of chickens in the city, longer response times could be expected for all complaints with current staffing levels.

Information from Other California Cities

City	Number of Chickens Allowed	Roosters Allowed	Permit Fees	Enforcement Cost	Noise, Nuisance & Slaughtering Clause	Staff Assigned	Zoning	Permits Issued or Calls Taken Annually	Ordinance Enforcement	Ordinance Challenges
Los Angeles	Unlimited	Yes	Only roosters	Costs are included in the existing enforcement officer positions	Yes	Assigned by calls	None	Don't track	Complaint driven	Staffing limitation
Roseville	10	Yes	No	Costs are included in the existing three (3) enforcement officer positions	Yes	Assigned by calls	20 Feet	50 calls	Complaint driven	Not enough time or staff to response to calls
Oakland	Limit not stated	Not allowed	No	Not available	No	Assigned by calls	20 Feet	Don't track	Complaint driven	Not available
San Jose	Based on the size of the coop	Not allowed	Yes and under 6 months no fee	Not available	No	Assigned by calls	50 Feet	Not available	Complaint driven	Not available
Folsom	No more than 2	Not allowed	No	Cost is included in the existing enforcement officer position	No	Assigned by calls	20 Feet	6 calls	Complaint driven	Limited Staff
Davis	No more than 6	Unclear	\$2 application fee	Not available	No	Assigned by calls	50 Feet	Not available	Complaint driven	Not available