

ORDINANCE NO. _____ (MARK UP)

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

AMENDING CHAPTER 7 ANIMALS AND FOWL, ARTICLE I AND ADDING ARTICLE IX, ROOSTERS TO THE SANTA BARBARA COUNTY CODE

WHEREAS, the Board has authorized the animal services director to adopt standards for the proper care and comfort of animals in keeping and for the proper and orderly of administration of county animal control laws; and

WHEREAS, the keeping of roosters in unlimited numbers on a single property or premise may lead to crowded and unsanitary conditions; and

WHEREAS, limiting the number of roosters on a single property or premise protects the health and safety of the County's residents and the quiet enjoyment of their homes from public nuisances, illegal cockfighting, and the raising of birds used for cockfighting; and

WHEREAS, the Board has authorized the animal services director, in consultation with the Agricultural Commissioner, to draft an ordinance amending Chapter 7 of the County Code to regulate and limit the number of allowable roosters by parcel size in unincorporated Santa Barbara County; and

WHEREAS, the Board may establish fees by ordinance to recover the costs to enforce the provisions of this chapter; and

NOW THEREFORE, the Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1. ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLE I.

Santa Barbara County Code Chapter 7, titled Animals and Fowl, Article I (In General), sections 7-1 and 7-5 through 7-7 are hereby amended on the effective date of this ordinance.

Sec. 7-1. - Definitions.

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

Animal. Any live, vertebrate creature other than a human being.

Animal Control Officer. Any county employee designated by resolution of the board of supervisors as primarily responsible for animal control and regulation.

Animal Control Supervisor. The county employee designated by the board of supervisors as the county employee responsible for the direct supervision of animal control officers and/or animal shelter operations.

Animal Services. The county of Santa Barbara Animal Services program.

Animal Services Director. The county employee designated by the board of supervisors as the county employee responsible for the administration and operations of the animal services program.

Cattery. Any premises or area where four or more cats four months of age or older are kept and cared for; provided, that this definition shall not include a duly licensed veterinary hospital, a humane society facility or any county facility.

County. The county of Santa Barbara and if the context so indicates county employees designated to carry out the provisions of this chapter.

Domestic Animal. An animal that has been tamed and kept by humans as a work animal, food source, companion animal or a pet.

Grooming Shop. Any commercial establishment, including mobile grooming businesses, where animals are bathed, clipped, plucked or otherwise groomed; provided, that this definition shall not include a duly licensed veterinary hospital, a humane society facility or any county facility.

Impound. Under the control and in the possession of the county.

Kennel. Any premises or area where four or more dogs four months of age or older are kept and cared for; provided, that this definition shall not include a duly licensed veterinary hospital, a humane society facility or any county facility.

Optional Cat License. Voluntary license for an altered cat for up to three years or the term of the rabies vaccination.

Pet Store. Shall be defined as set forth in the State Health and Safety Code Section 122350(i).

Protective Custody. Animals that are impounded under exigent circumstances when no animal control violation has occurred. Some examples include owner arrested, owner hospitalized, owner died, automobile accident, owner is at a shelter, vehicle impound, law enforcement activity, or disaster such as house fire or flood.

Quarantine. The confinement of any animal in such a manner so the animal may not expose to contagious disease or injure any person or other animal.

Relinquished. An animal whose owner has given up ownership to a county animal services shelter.

Restraint. Secured by an adequate leash or lead six feet in length or less and under the immediate control of a responsible person, or physically confined on or within the premises of the owner or custodian of the animal.

Rooster Keeping Operation. Any premises or area where more roosters are kept than allowed under Section 7-67. This definition shall not include a duly licensed veterinary hospital, animal-welfare organizations that employ humane officers, public or private schools, any county facility, or any commercial poultry ranches whose primary commodity is the production of eggs or meat for sale and that are regulated by the United States Department of Agriculture (USDA) Food Safety Inspection service.

Stray. A domestic animal not kept under restraint.

Sec. 7-5. - Adoption of standards, rules and regulations by animal services director.

The animal services director shall adopt standards for the proper care and comfort of animals kept in kennels, ~~or~~ catteries, or rooster keeping operations and may adopt rules and regulations necessary to carry out the proper and orderly administration of county animal control and regulation laws.

Sec. 7-6. Kennel, cattery, rooster keeping operation, pet store and grooming shop permits generally.

- (a) It shall be unlawful to establish or maintain a kennel, cattery, rooster keeping operation, pet shop or grooming shop without having obtained a county kennel, cattery, rooster keeping operation, pet store or grooming shop permit.
- (b) A kennel, ~~or~~ cattery, or rooster keeping operation permit shall be granted only after the animal services director or designee has determined that:
 - (1) The facilities of the kennel, ~~or~~ cattery, or rooster keeping operation meet the standards adopted pursuant to section 7-5 that are set forth for the proper care and comfort of the animals;
 - (2) The location of the kennel, ~~or~~ cattery, or rooster keeping operation is a permitted use under applicable county zoning ordinances; and
 - (3) The current year's kennel, ~~or~~ cattery, or rooster keeping operation permit fee has been paid.

The permit fee for kennel, ~~or~~ cattery, or rooster keeping operation shall be purchased annually and shall be due on the first day of January of each year.

- (c) A pet store or grooming shop permit shall be granted only after the animal services director or designee has determined that:
 - (1) The pet store or grooming shop meets the standards set forth in Penal Code Section 5971;
 - (2) The location of the pet store or grooming shop is a permitted use under applicable county zoning ordinances; and
 - (3) The current year's pet store or grooming shop permit fee has been paid.The permit fee for a pet store or grooming shop shall be purchased annually and shall be due on the first day of January of each year.

Sec. 7-7. Same—Revocation.

- (a) The kennel, cattery, rooster keeping operation, pet store or grooming shop will be provided notice of a violation that could lead to revocation of the permit. The notice will include what is required to cure the violation and shall set forth a deadline for compliance.
- (b) The permit for the establishment or maintenance of a kennel, ~~or~~ cattery, or rooster keeping operation may be revoked by the animal services director or designee upon his/her determination that:
 - (1) The facilities for the proper care and comfort of the animals no longer meet the established standards; or
 - (2) That the location of the kennel, ~~or~~ cattery, or rooster keeping operation is not a permitted use under the applicable county zoning ordinances; or
 - (3) The annual permit fee for a kennel, ~~or~~ cattery, or rooster keeping operation has not been paid within thirty days after it is due.
- (c) The permit for the establishment or maintenance of a pet store or grooming shop may be revoked by the animal services director or designee upon his/her determination that:
 - (1) The facilities for the proper care and comfort of the animals no longer meet the standards set forth in the Penal Code Section 5971; or
 - (2) That the location of the pet store or grooming shop is not a permitted use under the applicable zoning ordinances; or
 - (3) The annual permit fee for a pet store or grooming shop has not been paid within thirty days after it is due.

SECTION 2. ORDINANCE AMENDMENT TO ADD ARTICLE IX.

Santa Barbara County Code Chapter 7, titled Animals and Fowl, is hereby amended to add Article IX Roosters, sections 7-65 through 7-69 as follows:

Article IX. – Roosters.

Sec. 7-65. – Intent.

The purpose of this Article is to limit the number of roosters that may be kept on a single premise to minimize the potential for public nuisances, to prevent illegal cockfighting and the raising of birds to be used for cockfighting, and to protect the health, safety, and welfare of the residents of Santa Barbara County.

Sec. 7-66. – Definitions.

For purposes of this Article, terms are defined as follows:

- (a) “Premises” means one or more lots or parcels that are contiguous and that are under common ownership.
- (b) “Rooster” means a male chicken that:
 - (1) Is six (6) months old or older; or
 - (2) Has full adult plumage; or
 - (3) Is capable of crowing.

Sec. 7-67. – Rooster Keeping.

- (a) No person shall keep or maintain on any premises more roosters than are listed on the following table for the applicable property size of the premises without obtaining a rooster keeping operation permit pursuant to section 7-6. Rooster keeping operation permits shall not allow more than twenty-five (25) roosters to be kept or maintained on any premise regardless of the property size of the premise.

<u>Property Size of Premise (gross area)</u>	<u>Maximum Number of Roosters</u>
<u>Less than one acre; non-agricultural zones</u>	<u>None; No rooster keeping operation allowed</u>
<u>Less than one acre; agricultural zones</u>	<u>One (1); No rooster keeping operation allowed</u>
<u>More than one acre to five acres</u>	<u>Two (2)</u>
<u>More than five acres to twenty acres</u>	<u>Five (5)</u>
<u>More than twenty acres</u>	<u>Twenty (20)</u>

- (b) Each rooster on a premise shall be housed in an enclosure that is located a minimum of 25 feet from property lines and 150 feet from any dwelling located on another lot. The construction and location of cages, coops, or enclosures must comply with building code or other property setback requirements, as applicable.

- (c) A person who seeks to keep or maintain more roosters than listed in section (a) of this section must obtain a rooster keeping operation permit in accordance with section 7-6.
- (d) Subsections (a) and (b) of this section shall not apply to a member of a local chapter of 4-H or Future Farmers of America (FFA), or other educational poultry projects provided the number of roosters does not exceed the number of roosters as specified in the project documentation.
- (e) Nothing in this Article shall be construed as authorizing the keeping of any roosters in violation of any other County ordinance including, but not limited to, the Land Use Development Code or zoning ordinance. If there is any conflict between this ordinance and any other County ordinance, the most restrictive provision shall apply.
- (f) Each rooster shall, at all times, be provided with:
 - (1) Access to water and shelter from the elements (rain, wind, direct sun, etc.)
 - (2) Sufficient room to spread both wings fully and be able to turn in a complete circle without impediment and without touching the side of an enclosure.
 - (3) Clean, safe, and sanitary enclosures that are kept in good repair to protect the roosters from injury, to contain the roosters, and to exclude other animals that may be injurious. Crates, boxes, and scrap materials such as plastic, canvas, metal, and salvaged ply-boards are not suitable and shall not be used.
- (g) No person shall maintain or keep any rooster by means of a tether attached to an object.
- (h) An animal control officer or peace officer may enter private property to inspect the property when the person entering has reasonable cause to believe that there is a violation of this section.

Sec. 7-68. – Fees.

The filing of an application for a rooster keeping operation permit or for renewal of an annual rooster keeping operation permit shall be accompanied by payment of such fees as the Board of Supervisors has approved to recover the cost of administration of this Chapter. Applicants are responsible for the costs of inspections, investigations, and any other fee-associated activity established as follows:

Annual operating permit fee: \$182
Complaint investigation fee: \$138/hour (for justified complaints)

Sec. 7-69. – Violations and penalties.

- (a) It is unlawful for any property owner or any person occupying or leasing the property or premises of another to violate any provision of this article.
- (b) Each violation of a requirement of this Article, or of any of the conditions or restrictions set forth in a rooster keeping operation permit, is a separate violation and will be separately subject to fines and/or penalties. Each day a violation exists constitutes a new and separate violation. Each rooster subjected to a condition or circumstance in contravention of this Article, or in contravention of any of the conditions or restrictions set forth in a rooster keeping operation permit, constitutes a new and separate violation.
- (c) Any person who violates the provisions of this Article is guilty of an infraction. The amount of the fine for an infraction shall be pursuant to Sec. 24A-4 of this code and up to the maximum fine or penalty amounts for infractions set forth in subdivision (b) of California Government Code Section 25132, which shall be punishable by a fine not to exceed one hundred dollars for the first violation; not to exceed two hundred dollars for a second violation within one year; and not to exceed five hundred dollars for each additional violation of the same ordinance within one year.
- (d) The animal control officers of the county shall have the duty to investigate and enforce the provisions of this article. The provisions of this Article may also be enforced by any peace officer having the jurisdictional authority to do so.
- (e) Any act or failure to act in violation of this Article may be subject of a civil action to ensure compliance. The filing and prosecution of an action seeking injunctive relief will not limit the authority or ability to enforce the requirements of this Article or to impose penalties or to take any other action as permitted by law.

SECTION 3: PARTS NOT AFFECTED

Except as amended by this Ordinance the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect. Those sections of Chapter 7, titled Animals and Fowl, not set forth in this Ordinance shall remain in full force and effect.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof,

irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. PUBLICATION AND EFFECTIVE DATE.

This Ordinance shall take effect and become operative 30 days from the date of its adoption by the Board of Supervisors. In compliance with Government Code section 25124, within 15 days after its passage, a summary of the ordinance shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara Independent*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County Santa Barbara, State of California, on this _____ day of _____, 2024 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:
MONA MIYASATO
COUNTY EXECUTIVE OFFICE
CLERK OF THE BOARD

COUNTY OF SANTA BARBARA

By: _____
Deputy Clerk

By: _____
Das Williams, Chair
Board of Supervisors

APPROVED AS TO FORM:
Rachel Van Mullem
COUNTY COUNSEL

By: _____
Deputy County Counsel