



Date: March 18, 2013
To: Members of the Environmental Committee
From: George Chapjian, Director, Parks, Recreation and Marine Department *g.c.*
Subject: Proposed Municipal Code Changes Regarding the Keeping of Chickens, Goats and Bees

DISCUSSION

On November 27, 2012, the City Council's Environmental Committee directed staff to develop proposed changes to the City's existing rules (contained in Title 6 of the Municipal Code) governing the keeping of chickens, goats and bees and to provide the committee with proposed revised municipal code changes at their next meeting.

The Department of Parks, Recreation and Marine, Animal Care Services Bureau, in coordination with the Office of Sustainability and City Attorney's office, drafted a set of proposed Title 6 municipal code changes. These changes were based on extensive research on the policies of other large cities in California and beyond, and reviewing of public feedback from previous Committee Meetings and two community meetings held in June of 2012. Feedback from the community has been mostly in favor of relaxing the restrictions for the keeping of these animals. However, several residents expressed concern regarding public safety issues and the welfare of keeping these types of animals in an urban environment. The attached, (attachment A), proposed municipal code changes reflect a balance of relaxing the restrictions while taking into consideration and assuring the humane treatment of these animals.

TIMING CONSIDERATIONS

Committee action is requested on March 18, 2013 in order to forward this item to the City Council in a timely manner.

FISCAL IMPACT

There is no immediate fiscal impact associated with this item. If a new ordinance is adopted it could generate a minimal amount of new permit and license fees by Animal Care Services, as well as an increase in new calls for service and enforcement cases.

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IT IS RECOMMENDED THAT THE COMMITTEE:

Approve the proposed changes to Title 6 and forward those recommendations to the City Council for its consideration.

APPROVED:



PATRICK H. WEST
CITY MANAGER

Attachments

A – Draft outline of proposed changes to Title 6 of the Municipal Code

OUTLINE OF URBAN AGRICULTURE ORDINANCE

Chickens, goats and bees may be kept on residential property within the city, subject to the following restrictions:

- All animals, structures and bee hives shall be subject to size, setback and other development standards as specified in the Long Beach Municipal Code. (via **City's Code Enforcement**)
- All animals, structures and bee hives shall not be placed in the front yard of the property. (6.20.080, 6.20.230, 6.24.010.C.)
- Where a permit is required as indicated below, the director is invested with the authority to issue permits or licenses, as well as the authority to deny, suspend, revoke or deny renewal thereof, for the violation of any provisions stated herein or the LBMC, or when, in the director's opinion, the safety of any person or property is menaced by the keeping of any animal or bees described herein. (6.20.020, 6.20.150)

In addition, the following conditions shall apply:

1. CHICKENS.

- Any person desiring to keep any chickens or any other fowl shall obtain an annual permit, and the permit shall be renewed annually. Issuance of the permit is subject to a pre-inspection requirement for the keeping of five (5) or more fowl. (6.20.020)
- Adequate enclosure or fencing must be provided to contain the chickens on the property to prevent escape. The enclosure must be a minimum size of 10 square feet of permeable land per chicken. (6.20.130.A.)
- Adequate shelter must be provided within the enclosure to protect the chickens from the elements, and to prevent wildlife or other predators from gaining entry. (6.20.130.B.)
- The chickens must be kept at least a minimum distance away from other residential dwellings, as follows: (6.20.140)

Number of Chickens	Minimum Distance From Residential Dwellings
1 - 4	20 feet
5 - 10	35 feet
11 - 20	50 feet

2. GOATS.

- Any person desiring to keep goats shall obtain an annual permit with a microchip requirement, and the permit shall be renewed annually. (6.20.150)
- No more than, and no less than, 2 goats may be kept on the premises, except that offspring may be kept onsite for up to 6 months from birth. (6.20.170)
- All goats shall be dehorned. (6.20.180)
- Male goats must be neutered. (6.20.190)
- Adequate enclosure or fencing must be provided to contain the goats on the property to prevent escape. The enclosure must be a minimum size of 250 square feet of permeable land for 2 miniature goats (commonly known as pygmy and dwarf goats), or 500 square feet of permeable land for any other combination of miniature and non-miniature goats. (6.20.210.A.)
- Adequate shelter must be provided within the enclosure to protect the goats from the elements, and to prevent wildlife or other predators from gaining entry. (6.20.210.B.)
- Delete LBMC Section 6.20.130 in its entirety to remove all location restrictions.
- Amend LBMC Section 6.20.150 to reduce distance setback from 100 feet to 20 feet from any residence or place of habitation. (6.20.200)
- Food produced by these goats shall be for personal consumption only by members of permittee's household, and shall not be sold, donated or otherwise distributed to any other person. (6.20.160)

3. BEEES.

- There will be no City permit requirement; however, any person desiring to keep bees must provide the City's Animal Care Services Bureau with a copy of their registration with the County of Los Angeles. (6.24.010.B.)
- 2 bee hives per property. (6.24.010.A.)
- Hives must be located at least ten (10) feet away from the property line. (6.24.010.D.)
- Hive entrances shall face away from or parallel to the nearest property line(s). (6.24.010.E.)
- Hives must either be screened so that the bees must fly over a six (6)-foot barrier, which may be vegetative, before leaving the property, or be placed at least eight (8)-feet above the adjacent ground level. (6.24.010.I.)
- A water source for bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property. (6.24.010.J.)

Chapter 6.20 - FOWL, RABBITS AND GOATS⁴

Sections:

6.20.010 - Definitions.

6.20.020 - Fowl—Permit required.

Deleted: 020

6.20.030 - Fowl—Number restricted.

Deleted: 030

6.20.040 - Fowl—Distance from dwelling.

6.20.050 - Crowing fowl prohibited.

6.20.060 - Fowl—Dealers exempt.

6.20.070 - Fowl—Enclosure sanitation.

6.20.080 - Fowl—Running at large and keeping in front yard prohibited.

6.20.090 - Fowl—Impoundment—Food and water.

6.20.100 - Fowl—Impoundment—Coop size.

6.20.110 - Fowl—Wing locking prohibited.

6.20.120 - Fowl and rabbits—Artificial coloring prohibited.

Deleted: 120

6.20.130 - Chickens—Enclosure and shelter.

6.20.140 - Chickens—Distance from dwelling.

6.20.150 - Goats—Permit required.

6.20.160 - Goats—Personal consumption only.

6.20.170 - Goats—Number.

Deleted: 6.20.130 - Goats—
Location.¶

6.20.180 - Goats—Dehorned.

Deleted: 140

6.20.190 - Goats—Neutered males.

6.20.200 - Goats—Distance from dwelling.

Deleted: 150

6.20.210 - Goats—Enclosure and shelter.

6.20.220 - Rabbits or goats—Enclosure sanitation.

Deleted: 160

6.20.230 - Rabbits and goats—Running at large and keeping in front yard prohibited.

Deleted: 170

6.20.010 - Definitions.

The following words, as used in this chapter, shall have the signification attached to them in this section, unless otherwise clearly apparent from the context:

- A. "Coop" means and includes any pen, coop or enclosure wherein live fowl are kept and maintained.
- B. "Crowing fowl" means and includes any male fowl capable of making a sound peculiar to its species or type.
- C. "Dwelling" means and includes any place of human habitation.
- D. "Fowl" means and includes male and female chicken, duck, goose, seafowl, peacock, turkey and pheasant.

Deleted: C

6.20.020 - Fowl—Permit required.

- A. Subject to Section 6.20.150 for the keeping of any live goat, no person shall have, keep, maintain, or have in possession or under control, on residential property within the city, any live fowl without first applying to and receiving from the animal care services bureau a permit to do so. Permits issued under this chapter shall be subject to a pre-inspection requirement for the keeping of five (5) or more fowl.
- B. The director is invested with the authority to issue permits for the keeping or maintaining of live fowl to any person when, in the opinion of the director, such fowl may be kept or maintained without menacing the safety of any person or property, provided, however, that the director may issue additional rules and regulations regulating the keeping or maintaining of such fowl, and may deny, suspend, revoke or deny renewal thereof, any such permit for the violation of this chapter, or any other provisions of the Long Beach Municipal Code, or any of the rules and regulations issued by the director, or when, in his or her opinion, the safety of any person or property is menaced by the keeping of any such fowl.
- C. All permits issued under this chapter shall be for a period not to exceed one (1) year in duration. The director shall automatically renew such permits every year if the director determines that the permit holder complied with the provisions of this chapter and applicable laws during the preceding permit term, and if the permit holder pays the annual fee as prescribed by City Council resolution.

6.20.030 - Fowl—Number restricted.

Deleted: 020

No person shall keep or maintain more than a total of twenty (20) live fowl or any combination of such animals on any lot or parcel of land within the city.

6.20.040 - Fowl—Distance from dwelling.

Deleted: 030

A.

Except as provided in Subsection 6.20.030.B. and subject to Section 6.20.150 for the keeping of live chickens, no person shall keep or maintain any live fowl within the city less than fifty feet (50') from any other person's single-family or two-family dwelling or less than one hundred feet (100') from any hotel or dwelling occupied by, or designed for the occupancy of three (3) or more families.

B.

One (1) live fowl may be kept or maintained as a pet on any lot or parcel of land within the city, provided that the pen, coop or other such enclosure for any such pet fowl shall be no less than twenty feet (20') from any other person's structure designed or used as a dwelling.

Deleted: for human habitation

6.20.050 - Crowing fowl prohibited.

No person shall keep or maintain or cause to be kept or maintained any crowing fowl.

6.20.060 - Fowl—Dealers exempt.

Nothing contained in this chapter shall be deemed to prohibit the keeping of fowl by regularly licensed dealers for the purpose of sale at their respective places of business. Such animals shall be kept and maintained in a clean and sanitary condition and such dealers shall conform to and abide by the rules and regulations of the health department with reference to the keeping of such animals on the premises of such dealers.

6.20.070 - Fowl—Enclosure sanitation.

Wherever live fowl are permitted to be kept or maintained in the city, no person, so keeping or maintaining such fowl, shall fail at any time to keep the coops, pens or yards wherein such fowl are enclosed in a clean and sanitary condition nor shall fail to remove the manure or other debris from such enclosures daily. No person shall fail to conform to and abide by the rules and regulations of the health department with reference to the keeping of such fowl in such enclosures.

6.20.080 - Fowl—Running at large and keeping in front yard prohibited.

A.

No person shall allow any fowl owned or controlled by such person to run at large.

B.

No person shall allow any fowl, enclosure or related structure owned or controlled by such person to be placed or kept in the front yard of the property.

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6.20.090 - Fowl—Impoundment—Food and water.

No person shall impound any live fowl unless provision is made by such person for the proper feeding and the furnishing of water to such fowl at intervals not longer than twelve (12) hours apart.

6.20.100 - Fowl—Impoundment—Coop size.

No person shall impound any live fowl in a coop which is less than twice as large in floor space or standing room as the total size of all live fowl which may be impounded therein, and which is not sufficiently high as to permit each fowl impounded therein to stand in a natural erect position.

6.20.110 - Fowl—Wing locking prohibited.

No person handling live fowl shall lock the wings of such fowl.

6.20.120 - Fowl and rabbits—Artificial coloring prohibited.

A.

No person, by means of any application to or upon the exterior portion thereof or in any other manner, shall dye, artificially color or alter or otherwise change the natural color of any live rabbit or fowl.

B.

No person shall sell, offer or display for sale, barter or give to any person any live rabbit or live fowl, the natural color of which animal has been changed by dyeing, coloring, or any other artificial manner.

C.

No person shall sell, offer for sale, barter or give away any chick, duckling, or other fowl under four (4) weeks of age, or rabbit under two (2) months of age, as pets, toys, premiums or novelties.

D.

This section shall not be construed to prohibit the display or sale of rabbits, chicks, ducklings or other fowl in proper facilities by dealers, hatcheries or stores engaged in the business of selling the same to be raised for food purposes.

6.20.130 - Chickens —Enclosure and shelter.

A.

Adequate enclosure or fencing must be provided to contain live chickens on the property to prevent escape. The enclosure must be a minimum size of ten (10) square feet of permeable land per chicken.

B.

Adequate shelter must be provided to protect the chickens from the elements, and to prevent wildlife or other predators from gaining entry.

6.20.140 - Chickens—Distance from dwelling.

Live chickens may be kept or maintained on residential property within the city, provided that the chickens must be kept at least a minimum distance away from any other person's dwelling, as follows:

<u>Number of Chickens</u>	<u>Minimum Distance From Any Other Person's Dwelling</u>
<u>1 - 4</u>	<u>20 feet</u>
<u>5 - 10</u>	<u>35 feet</u>
<u>11 - 20</u>	<u>50 feet</u>

6.20.150 - Goats—Permit and microchip required.

A.

No person shall have, keep, maintain, or have in possession or under control, on residential property within the city, any live goat without first applying to and receiving from the animal care services bureau a permit to do so.

B.

The director is invested with the authority to issue permits subject to an identifiable microchip requirement for the keeping or maintaining of live goats to any person when, in the opinion of the director, such goats may be kept or maintained without menacing the safety of any person or property; provided, however, that the director may issue additional rules and regulations regulating the keeping or maintaining of such goats, and may deny, suspend, revoke or deny renewal thereof, any such permit for the violation of this chapter, or any other provisions of the Long Beach Municipal Code, or any of the rules and regulations issued by the director, or when,

in his or her opinion, the safety of any person or property is menaced by the keeping of any such goats.

C.

All permits issued under this chapter shall be for a period not to exceed one (1) year in duration. The director shall automatically renew such permits every year if the director determines that the permit holder complied with the provisions of this chapter and applicable laws during the preceding permit term, and if the permit holder pays the annual fee as prescribed by City Council resolution.

6.20.160 - Goats—Personal consumption only.

Food produced by live goats shall be for personal consumption only by members of permittee's household, and shall not be sold, donated or otherwise distributed to any other person.

6.20.170 - Goats—Number.

Exactly (no more and no less than) two (2) live goats may be kept on residential property within the city, except that offspring may be kept on the property for up to six (6) months from birth.

Deleted: 6.20.130 - Goats—Location.¶

No person shall keep or maintain any live goat within that portion of the city lying south of Anaheim Street and east of the Los Angeles River flood control channel. ¶
(Ord. C-7781 § 1, 2001) ¶

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6.20.180 - Goats—Dehorned.

All live goats shall be dehorned.

Deleted: No person shall keep or maintain more than one (1) live goat in any portion of the city.

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6.20.190 - Goats—Neutered males.

Male goats shall be neutered.

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6.20.200 - Goats—Distance from dwelling.

No person shall keep or maintain any live goat in the city within twenty (20) feet of any other person's dwelling except as provided in Section 6.16.010.

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6.20.210 - Goats—Enclosure and shelter.

A.

Adequate enclosure or fencing must be provided to contain live goats on the property to prevent escape. The enclosure must be a minimum size of two hundred and fifty (250) square feet of permeable land for the keeping of two (2) miniature goats (commonly known as pygmy and dwarf goats), or five hundred (500) square feet of permeable land for the keeping of any other combination of miniature and non-miniature goats.

B.

Adequate shelter must be provided to protect the goats from the elements, and to prevent wildlife or other predators from gaining entry.

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6.20.220 - Rabbits or goats—Enclosure sanitation.

Wherever live rabbits or goats are permitted to be kept or maintained in the city, no person so keeping or maintaining such rabbits or goats shall fail at any time to keep the pens, hutches, spaces or other enclosures wherein such rabbits or goats are enclosed in a clean and sanitary condition or fail to remove the manure or other debris from such enclosures daily. No person shall fail to conform to and abide by the rules and regulations of the health department with reference to the keeping of such rabbits or goats in such enclosures.

6.20.230 - Rabbits and goats—Running at large and keeping in front yard prohibited.

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A.

No person shall allow any rabbits or goats owned or controlled by such person to run at large.

B.

No person shall allow any rabbits or goats, enclosure or related structure owned or controlled by such person to be placed or kept in the front yard of the property.

Chapter 6.24 - PIGEONS AND BEES

Sections:

6.24.010 - Beehives.

6.24.020 - Pigeon keeping.

6.24.010 - Beehives.

A.

No more than two (2) beehives may be established or maintained on any residential property within the city.

B.

Any person intending to establish or maintain any beehive on any residential property within the City must first register with the County of Los Angeles and provide a copy of such registration to the director of the animal care services bureau.

C.

No person shall establish or maintain a beehive in the front yard of the property.

D.

No person shall establish or maintain a beehive at a distance less than ten (10) feet from all property lines.

E.

Beehive entrances shall face away from or be parallel to the nearest property line(s).

F.

No person shall establish or maintain a beehive at a distance less than one hundred (100) feet from a dwelling, except the dwelling occupied by the person establishing or maintaining the beehive.

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G.

No person shall establish or maintain a beehive at a distance less than one hundred (100) feet from a public way.

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H.

No person shall establish or maintain a beehive at an elevation less than ten (10) feet above the ground.

Deleted: C

I.

Beehives must either be screened so that the bees must fly over a six-foot barrier, which may be vegetative, before leaving the property, or be placed at least eight-feet above the adjacent ground level.

J.

A water source for bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property.

K.

For the purposes of this section, a "beehive" means any box, container, structure, chamber or shelter within which bees are kept or of which bees have taken possession.

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L.

For the purposes of this section, the term "dwelling" means any place of human habitation.

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