

City of Long Beach
Many Unique Neighborhoods
One Great City



Dr. Suja Lowenthal
Vice Mayor
Council District 2

Memorandum

To: Honorable Mayor and City Council

From: Lena Gonzalez, First District
 Suja Lowenthal, Second District
 Daryl Supernaw, Fourth District
 Dee Andrews, Sixth District

Subject: Local Sustainability & Urban Agriculture

June 23, 2015

RECOMMENDATION:

Request the City Attorney bring an ordinance within 30 days to amend Title 6 of the City's Municipal Code based on previous draft language developed in consultation with members of the community, Department of Parks, Recreation and Marine, Office of Sustainability and City Attorney's office (attached).

BACKGROUND

In October 2011, City Council's Environmental Committee began discussing changes to the City's existing rules governing the keeping of chickens, goats and bees based on a recommendation from the Sustainable City Commission. Over the next two years, the Environmental Committee worked with staff from Parks, Recreation and Marine, Office of Sustainability, City Attorney's office and the urban agriculture community to develop draft language for City Council consideration. In addition, the Committee directed staff to host community meetings to receive input from residents. Finally, in March 2013, the Committee recommended draft language for City Council consideration.

In July 2013, after much discussion and public testimony mostly in favor of the recommended changes, City Council voted 4-3 against the draft language with 2 members absent.

DISCUSSION

Long Beach has made strides to become a more livable city thanks in part to policies and initiatives relating to bicycling, pedestrianism, sustainability, conservation, emissions reduction, beach water quality and healthy food choices. Offering more residents the opportunity to be closer to the food sources in their diet is another sustainable, healthy and socially just policy that City Council should reconsider. Along with fruit & vegetable gardens in yards and community plots, urban agricultural options involving animals are an important solution for people who wish to gain access to secure, affordable and nutritious food.

City staff painstakingly researched numerous municipal ordinances and interviewed staff from other cities to learn about the positive and negative impacts of implementation. The Environmental Committee also dedicated a great deal of time and consideration to the policy.

The attached draft amendments to the Municipal Code protect neighbors, animals and personal property while providing residents with appropriate sized properties and facilities the opportunity to pursue a particular lifestyle. For Long Beach to allow residents to own up to four large breed dogs without regulating their living quarters, but not allow residents to own animals such as goats or chickens within acceptable parameters is inconsistent. There are policies and procedures for enforcement of animals on private property in place already and Animal Care Services staff believes this policy will not have a significant impact on their enforcement, public safety and adoption resources.

More so than goats and chickens, bees received the most attention from Council and concerned residents during the last discussion of urban agriculture. However, anyone with flowers, fruits or vegetables in their yard can thank the bees visiting their garden on a daily basis. Whether from wild or domestic hives, bees serve a beneficial role in our community and their well-documented decline is cause for concern among allergic and non-allergic residents alike. Despite their incredible contribution to our daily lives, bees have a much-maligned reputation. Indeed, the perception that a hive of bees next door equates to hundreds of bees in a neighbor's yard is inaccurate; bees are sophisticated and social animals that approach nectar and pollination like campaign workers streaming out to all parts of a community. Bees travel through a community on an aerial street grid system sometimes stretching as much as 4 miles from their hive. Some bees in the hive have short routes, others much longer. To bunch up around one group of flowers in a neighbor's yard would not be efficient or productive. With proper requirements for screening around the hive, bees will take a path well above the immediate area to their intended destination. In fact, it is more likely that most neighbors aren't even aware that a hobby beehive is located nearby. Additionally, most calls to ACS are the result of wild bee swarms or hives located in trees, walls and attics. So while the fear of being stung by a bee is certainly real for residents with an allergy, it is clear from our prior discussion of urban agriculture that a public education campaign about bees and their behaviors would benefit residents, city leaders and perhaps most importantly, bees.

One noteworthy change has been made to the attached draft ordinance in Section 6.20.180 (Goats –Dehorned). Based on conversations with the community and livestock experts, Animal Care Services recommends language that requires all goats to be dehorned should be removed from the ordinance.

FISCAL IMPACT

According to staff's analysis in a prior report to the City Council, additional workload associated with the implementation of this policy is expected to be minimal and absorbed within current budgeted resources. The anticipated revenue generated from the proposed new fees is expected to be minimal. There is no impact to jobs associated with the recommended action.

ORDINANCE NO.

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTION 6.16.010, CHAPTER 6.20, AND SECTION 6.24.010, ALL RELATING TO LIVESTOCK AND OTHER ANIMALS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 6.16.010 of the Long Beach Municipal Code is amended to read as follows:

No person responsible for any ox, steer, bull, cow, calf, horse, mare, stallion, colt, jack, mule, sheep or hog, shall permit the same, of any thereof, to run at large or pasture, herd, stake, tie or stable any thereof in any of the streets, avenues, places, lanes, alleys, parks or other public places in the City, or tie, stake, pasture, stable, or otherwise keep any thereof upon any private property in the City so as to permit any thereof to approach nearer than one hundred feet (100') to any building used or occupied or designed for use and occupancy as a residence for human habitation other than such building so occupied by the person responsible for any such animal, and other than such building, the occupant of which continues his or her consent to the closer approach of any such animal.

Section 2. Chapter 6.20 of the Long Beach Municipal Code is amended to read as follows:

Chapter 6.20
FOWL, RABBITS AND GOATS

OFFICE OF THE CITY ATTORNEY
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333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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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.

6.20.020 Fowl - Number restricted.

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.

6.20.030 Fowl - Distance from dwelling.

A. Except as provided in Subsection 6.20.030.B and subject to Section 6.20.140 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')

1 from any other person's structure designed or used as a dwelling.
2
3 6.20.040 Crowing fowl prohibited.
4 No person shall keep or maintain or cause to be kept or maintained
5 any crowing fowl.
6
7 6.20.050 Fowl - Dealers exempt.
8 Nothing contained in this Chapter shall be deemed to prohibit the
9 keeping of fowl by regularly licensed dealers for the purpose of sale at their
10 respective places of business. Such animals shall be kept and maintained
11 in a clean and sanitary condition and such dealers shall conform to and
12 abide by the rules and regulations of the Health Department with reference
13 to the keeping of such animals on the premises of such dealers.
14
15 6.20.060 Fowl - Enclosure sanitation.
16 Wherever live fowl are permitted to be kept or maintained in the City,
17 no person, so keeping or maintaining such fowl, shall fail at any time to keep
18 the coops, pens or yards wherein such fowl are enclosed in a clean and
19 sanitary condition nor shall fail to remove the manure or other debris from
20 such enclosures daily. No person shall fail to conform to and abide by the
21 rules and regulations of the Health Department with reference to the
22 keeping of such fowl in such enclosures.
23
24 6.20.070 Fowl - Running at large and keeping in front yard prohibited.
25 A. No person shall allow any fowl owned or controlled by such
26 person to run at large.
27 B. No person shall allow any fowl, enclosure or related structure
28 owned or controlled by such person to be placed or kept in the front yard of

1 the property.

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3 6.20.080 Fowl - Impoundment-Food and water.

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

7

8 6.20.090 Fowl - Impoundment-Coop size.

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

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14 6.20.100 Fowl - Wing locking prohibited.

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

16

17 6.20.110 Fowl and rabbits - Artificial coloring prohibited.

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

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

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

27 D. This Section shall not be construed to prohibit the display or
28 sale of rabbits, chicks, ducklings or other fowl in proper facilities by dealers,

1 hatcheries or stores engaged in the business of selling the same to be
2 raised for food purposes.

3
4 6.20.120 Chickens - Permit required.

5 A. No person shall have, keep, maintain, or have in possession
6 or under control, on residential property within the City, five (5) or more live
7 chickens without first applying to and receiving from the Animal Care
8 Services Bureau a permit to do so. Permits issued under this Section shall
9 be subject to a pre-inspection requirement.

10 B. The Director is invested with the authority to issue permits for
11 the keeping or maintaining of live chickens to any person when, in the
12 opinion of the Director, such chickens may be kept or maintained without
13 menacing the safety of any person or property; provided, however, that the
14 Director may issue additional rules and regulations regulating the keeping
15 or maintaining of such chickens, and may deny, suspend, revoke or deny
16 renewal thereof, any such permit for the violation of this Chapter, or any
17 other provisions of the Long Beach Municipal Code, or any of the rules and
18 regulations issued by the Director, or when, in his or her opinion, the safety
19 of any person or property is menaced by the keeping of any such chickens.

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

26
27 6.20.130 Chickens - Enclosure and shelter.

28 A. Adequate enclosure or fencing must be provided to contain

1 live chickens on the property to prevent escape. The enclosure must be a
2 minimum size of ten (10) square feet of permeable land per chicken.

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

6
7 6.20.140 Chickens - Distance from dwelling.

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

Number of Chickens	Minimum Distance From Any Adjacent Dwelling
11 1 - 4	10 feet
12 5 - 10	35 feet
13 11 - 20	50 feet

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16 6.20.150 Goats - Permit and microchip required.

17 A. No person shall have, keep, maintain, or have in possession
18 or under control, on residential property within the City, any live goat without
19 first applying to and receiving from the Animal Care Services Bureau a
20 permit to do so.

21 B. The Director is invested with the authority to issue permits
22 subject to an identifiable microchip requirement for the keeping or
23 maintaining of live goats to any person when, in the opinion of the Director,
24 such goats may be kept or maintained without menacing the safety of any
25 person or property; provided, however, that the Director may issue
26 additional rules and regulations regulating the keeping or maintaining of
27 such goats, and may deny, suspend, revoke or deny renewal thereof, any
28 such permit for the violation of this Chapter, or any other provisions of the

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feet (10') of any other person's dwelling.

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.

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.

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

1 the front yard of the property.

2
3 Section 3. Section 6.24.010 of the Long Beach Municipal Code is
4 amended to read as follows:

5 6.24.010 Beehives.

6 A. No more than four (4) beehives may be established or
7 maintained on any residential property within the City.

8 B. Any person intending to establish or maintain any beehive on
9 any residential property within the City must first register with the County of
10 Los Angeles and provide a copy of such registration to the Director of the
11 Animal Care Services Bureau.

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

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

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

18 F. Beehives must either be screened so that the bees must fly
19 over a six-foot barrier, which may be vegetative, before leaving the
20 property, or be placed at least eight feet (8') above the adjacent ground
21 level.

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

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

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

Section 4. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor