

ORDINANCE NO. 10166 (N.S.)

**AN ORDINANCE ADDING ARTICLE 7
TO CHAPTER 6 OF DIVISION 2
OF TITLE 6 OF THE SAN DIEGO
COUNTY CODE RELATING
TO THE KEEPING OF ROOSTERS**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that cockfighting, although illegal, occurs in the unincorporated area of the County. The Board also finds that the ability to raise or keep roosters with few or no regulations supports illegal cockfighting. The Board also finds that the regulation of the keeping of roosters is necessary to deter illegal cockfighting and to protect the public health, safety and welfare.

Section 2. The name of Article 7 is added to Chapter 6 of Division 2 of Title 6 of the County Code to read as follows:

Article 7. Roosters

Section 3. Section 62.690 is added to the San Diego County Code to read as follows:

SEC. 62.690 INTENT.

The intent of this Article is to limit the number of roosters that may be kept on a premises and to ensure that roosters are treated humanely to minimize the potential for a public nuisance, illegal cockfighting and the raising of birds to be used for cockfighting to protect the public health, safety and welfare.

Section 4. Section 62.691 is added to the San Diego County Code to read as follows:

SEC. 62.691 DEFINITION.

As used in this Article, the following words have the following definitions:

(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 months of age or older;
2. Has full adult plumage; or
3. Is capable of crowing.

Section 5. Section 62.692 is added to the San Diego County Code to read as follows:

SEC. 62.692 ROOSTER REGULATIONS.

(a) Beginning on January 1, 2012, no person shall keep or maintain on any premises more roosters than are listed in the following table for the applicable size of the premises:

Size of Premises	Maximum Number of Roosters
< .5 acre	1
.5 to 1 acre	4
> 1 to 5 acres	6
> 5 acres	20

Each individual rooster that exceeds the number listed in the table above for the applicable size of the premises constitutes a separate violation of this ordinance.

This subsection shall not apply to commercial poultry ranches the primary purpose of which is to produce eggs or meat for sale for human consumption, approved 4H or Future Farmers of America (FFA) projects, public or private schools, County-operated animal shelters or other animal-welfare organizations that employ humane officers as described in Corporations Code 14502.

(b) Each enclosure for one or more roosters shall be located a minimum of 50 feet from any residence.

(c) 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 Zoning Ordinance. If there is any conflict between this ordinance and any other County ordinance, the most restrictive provision shall apply.

(d) No person shall maintain or keep any rooster by means of a tether attached to an object. Each individual rooster that is tethered constitutes a separate violation of this ordinance.

(e) 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 to be able to turn in a complete circle without any impediment and without touching the side of an enclosure.
3. Clean and sanitary premises that are kept in good repair.

Section 6. This Ordinance shall take effect 30 days after its adoption. Within 15 days after the date of adoption of this Ordinance, a summary hereof shall be published once with the name of those members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in San Diego County.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 13th day of September, 2011.

Approved as to form and legality:

THOMAS E. MONTGOMERY, County Counsel

By

Mark Mead, Senior Deputy