

Meeting Date: 07/24/18 (11)

ORDINANCE NO. 10548 (N.S.)

AN ORDINANCE AMENDING SECTIONS 62.691 AND 62.692 OF THE
SAN DIEGO COUNTY CODE OF REGULATORY
ORDINANCES RELATING TO ROOSTER REGULATIONS

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

Section 1. Section 62.691 of the San Diego County Code is hereby amended 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.
- (c) "Net property size" means the actual size of the premises, excluding any roadways or portions thereof, as calculated by the County Survey Records System.

Section 2. Section 62.692 of the San Diego County Code is hereby amended 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 net property size of the premises:

Net Property 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.

(b) Each rooster shall be housed in an enclosure that shall be located a minimum of 50 feet from the property line and 150 feet from any adjacent residence.

(c) (1) Subsections (a) and (b) shall not apply to commercial poultry ranches the primary purpose of which is to produce eggs or meat for sale for human consumption, public or private schools, County-operated animal shelters or other animal-welfare organizations that employ humane officers as described in Corporations Code 14502.

(2) Subsection (a) shall not apply to a member of a local chapter of 4-H or Future Farmers of America (FFA) provided all of the following factors are met:

A) Written proof of current membership in 4-H or FFA shall be provided to any animal control officer, humane officer or peace officer upon demand;

B) Written documentation and approval of a 4-H or FFA project that involves the roosters shall be provided to any animal control officer, humane officer or peace officer upon demand. The approval shall be from the 4-H, the County 4-H Advisor or the FFA. The documentation shall detail the nature of the project, number of roosters included in the project, breed of each rooster, duration of the project, purpose for keeping the roosters, and address where the roosters are kept and maintained;

C) The roosters are on the property designated in the 4-H or FFA project documentation;

D) The number of roosters on the premises does not exceed the number of roosters specified in the 4-H or FFA project documentation; and

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E) Any person seeking to assert this exemption shall allow an onsite inspection of the premises by an animal control officer, humane officer or peace officer upon demand to verify initial and continued eligibility for this exemption.

(d) 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.

(e) 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.

(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 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.

(g) An animal control officer, humane 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.

(h) (1) Amortization of Nonconforming Rooster Enclosures. Any nonconforming rooster enclosure which was in place before August 24, 2018 shall be in compliance with the requirements of Section 62.692(b) no later than August 24, 2020. A rooster owner may apply for one six-month extension of this period. The Director may grant that extension upon determining that the operator would be subjected to unreasonable financial hardship if forced to come into compliance.


(2) Any nonconforming rooster enclosure shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

Section 3. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: Mark Day, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 24th day of July, 2018.


KRISTIN GASPAR
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Gaspar, Roberts, Horn
ABSENT: Jacob

ATTEST my hand and the seal of the Board of Supervisors this 24th day of July, 2018.

DAVID HALL
Clerk of the Board of Supervisors

By C. Rodriguez
Chrystal Rodriguez, Deputy



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