

CITY OF SAN LEANDRO

MEMORANDUM

DATE: December 3, 2012
TO: City Council Rules Committee
FROM: Police Chief Sandra Spagnoli
SUBJECT: **Animal Control Ordinance Update**

BACKGROUND:

The City Council Rules Committee directed staff to bring back for further committee and public discussion.

DISCUSSION:

The current San Leandro Animal Control Municipal Code is outdated and in need of significant revisions. In addition, the Council Rules Committee has directed staff to develop regulations to include the keeping of chickens and bees in residential neighborhoods. This memo is intended as a brief overview of the key issues and staff recommendations.

Staff proposes the following:

1. Regulations to allow chickens under certain circumstances without a permit.
2. Requirement of a special permit, the Animal Fancier's Permit (Permit), allowing residents to maintain animals including but not limited to birds and fowl, an exemption to the current municipal code. This option would allow residents to have more than the permitted number of animals, including chickens, through a special permit.
3. Establish beekeeping regulations separate from the Fanciers Permit and subject to certain requirements, which are intended to reduce issues (such as over-pollination, health hazards) that may otherwise be associated with beekeeping in populated areas.
4. Review ordinance after one year.

SAN LEANDRO MUNICIPAL CODE – ANIMAL CONTROL

PROPOSED CHANGES (December 2012)

DESCRIPTION	CURRENT	PROPOSED
Birds, fowl (RO district- Exempt) NO PERMIT REQUIRED	Prohibited	4 Chickens per household in an area of 6,000 sq. ft or more, not to exceed 10 animals per household
Birds, fowl (RO district- Exempt) PERMIT REQUIRED	Prohibited	Allowed with an Animal Fancier's Permit in an area of less than 6,000 sq. ft. (Number of animals and types of animals depends on sq. feet)
Animal Fanciers' Permit	None	Required for animals exceeding the limits or regulations of the Municipal Code
Animal Fanciers' Permit- Renewal	None	Annual renewal for permits with no-changes (New permit required for changes to the number or types of animals.)
Beekeeping- Beekeeping Permit required	Prohibited	Number of hives allowed dependent on size of lot (Minimum 6,000 sq. ft.) Not to exceed 3 hives on largest lot. Bee keeping requires adjacent neighbor approval.
Beekeeping Permit- Renewal	N/A	Annual renewal for permits with no-changes

* Currently, household animals are excluded from the Animal Control Ordinance. These animals such as mice, rats, guinea pigs, turtles, tropical fish, canaries, or birds of the psittacine family, and other similar animals commonly kept as household pets, may be kept so long as such animals do not constitute a nuisance and are afforded food, care and sanitary facilities.

RECOMMENDATION:

1. Provide direction to staff on the development of regulations for the Animal Fancier's Permit,

Bee keeping permit, and requirements for chickens and bees.

2. Direct staff to create a new chapter in the City Ordinance, a new fee schedule for review and bring the proposed ordinance and fee schedule to City Council for review in 2013.
3. As staff resources are available, direct staff to modernize the City's existing animal control regulations in order to provide Animal Control Services the tools needed to effectively control and manage the City's growing animal population.

ATTACHMENT(S):

- 1. Proposed City Ordinance Changes (Chart)**
- 2. Animal Fancier Permit Recommendations**
- 3. Bee Keeper Recommendations**
- 4. Summary of Alameda County Ordinances on Chicken and Bees**

Animal Fanciers Permit Summary

I. Procedures:

1. Required for animals exceeding the limits or regulations of the Municipal Code including the 10 animal per household limit.
2. Application and fee submitted to Animal Services for review and premises inspection.
3. Approval determined on a case by case basis, evaluating the numbers of animals, space, and conditions of property (kept in a condition that would not impact the quality of life of the animal or neighbors)
4. Animal Services conducts follow up inspections, generally by complaint, or annually at renewal.
5. Permits may be revoked or suspended under certain conditions (e.g., falsification of information, failure to comply with the Municipal Code, complaint from neighbors which cannot be resolved).
6. Criteria for granting or denying an Animal Fancier's Permit. In order to grant the permit, the following findings must be made:
 - (a) The keeping of the animal at the location specified in the application will not violate any ordinance or other City or State regulations;
 - (b) The keeping and maintenance of the animal will not endanger the peace, health or safety of persons in the immediate vicinity or in the City as a whole and will not constitute a nuisance;
 - (c) The premises and housing where the animal is to be kept are in clean and sanitary condition, and the animal will not be subject to suffering, neglect, cruelty or abuse;

II. Inspection:

- A. Before issuing a permit, inspection of the premises, where the animal(s) are to be maintained shall include, but not be limited to, a determination that:**
- Adequate housing is provided to protect the animal(s) from the elements.
 - Cages and enclosures are of sufficient size to provide ample space for exercise.
 - Appropriate bedding for the animal(s) is provided.
 - More restrictive fencing can be mandated as a prerequisite to Permit approval.
 - When required for safety, cages are constructed of sufficient size and strength to prevent the animal(s) from escaping and protection from predators.
 - Shelter, cages and enclosures are to be kept in good repair with no protrusions or devices on which the animal could injure itself.
 - No roosters or turkeys.

B. Feeding and watering

Feeding and watering shall be done daily in sufficient quantity and nutritional value, to meet the normal daily requirements for the conditions and size of the animal(s) except in such cases where hibernation, nature of the animal or its feeding habits dictate otherwise.

C. Treatment and Sanitation

- All animals maintained shall be handled in a humane manner and kept free from parasites, sickness and disease. When they are afflicted and or become unsightly, they shall be given immediate medical attention and treatment by a veterinarian licensed to practice in the State of California at the owner or keeper's expense.
- Animals in need of medical treatment, which the owner has failed to supply will be treated by a veterinarian upon order of the Animal Control Officer and such charges shall be made pursuant to Section 597f of the California Penal Code.
- All cages or other enclosures shall be cleaned regularly and their surroundings shall be kept in a sanitary condition, free from offensive odor. The animal feces shall be stored in a fly-proof container to be properly disposed of a minimum of once weekly.

D. Cages and enclosures

- Household pets are not required to be maintained in cages or enclosures, unless otherwise specified in the permit.
- When cages are required, the cages shall be of such strength and type of construction that the animal cannot escape, ample space for exercise is provided, the animal is adequately protected from predators, and overcrowding is avoided.
- Species requiring larger cages, special cages or holding facilities shall be accommodated according to recommendations of the Animal Control Officer.
- Each cage or enclosure shall be provided with a weatherproof shelter, bedding and perch when appropriate. A suitable shield for protection against the sun shall also be provided. Where the natural climate of the species of the animal differs from the climate of San Leandro, provisions must be made to adjust holding conditions to the natural habitat.
- Animals with a propensity to fight, or which are otherwise incompatible, shall be kept separated.
- Cages shall have tops to prevent escape by climbing or jumping.
- No cage or structure in which animals are fed, sheltered, or kept shall be located less than 5 feet from any side or rear lot line on which the primary use is

residential and 20 feet from an adjacent dwelling. No cage or structure shall be permitted in a required front or side yard setback area for the property under the Zoning Code.

- Total area of all coops or cages on a lot shall be no greater than 60 feet. No single or combination of coops or cages shall exceed 15 feet in height.
- Chickens shall be kept outside and in a fenced area. They may not roam in any area outside the fenced rear yard.

E. Mediation

Upon receipt of a nuisance complaint regarding the holder of an Animal Fancier's Permit, Animal Control Services may require the complainant(s) to mediate with the Animal Fancier Permit holder as a precondition of investigation, citation and abatement of the nuisance. Such cases may be referred to the Alameda County Mediation Program (www.seedsrc.org). If the Animal Control Director determines mediation is appropriate and the complainants agree to mediate but the alleged violator refuses, the Animal Control Director may proceed with investigation and any appropriate enforcement.

Beekeeping Permit Summary

I. Procedures

- Hives of bees on any lot or parcel of land require a Beekeeping Permit
- Beehives may be kept, maintained or allowed without the issuance of a Beekeeping Permit on lots or parcels of land located within an open space or agricultural hillside area, provided such bee hives are situated more than one hundred fifty feet from any existing dwelling or any proposed dwelling for which a building permit has been issued.
- Beekeeping permits will not be issued for lots under 6,000 square feet

II. Criteria for approval

- No more than three hives shall be maintained on any property, lot or parcel of land.
- No hive shall be kept or maintained on any property, lot or parcel of land of less than 6,000 square feet.
- The owner's name, address, and location of all such hives shall be registered with Animal Services.
- No hive shall be kept or maintained within twenty feet of any side property line on the property, lot or parcel of land upon which such hive is situated, or within one hundred feet of any dwelling unit other than that occupied by the person or persons maintaining the hive or hives or other persons residing on such property, lot or parcel of land.
- No hive shall be kept or maintained within any required front or side yard setback area for the zoning district designation for the property under the Zoning Code.

- All hives shall be oriented so that their entrances face a house or building on the premises and shall be surrounded by a solid fence not less than six feet in height or no more than the height specifically approved with the Beekeeping Permit application, located no farther than thirty feet from such hives. Said fence may be open on the side facing a house or building on the premises.
- A constant and reliable water supply adequate to serve the needs of the hives located on the premises shall be maintained at all times on such premises.
- No hive shall be kept or maintained within two hundred feet of a dwelling occupied by any person systemically allergic to bee stings.
- No hive shall be kept or maintained on any property, lot or parcel of land that adjoins or abuts a property, lot or parcel of land that is occupied by a person who is systemically allergic to bee stings.
- Prior to considering an application for a Beekeeping Permit, Animal Services will provide notice of the application to all owners and tenants of property located adjacent to the property, lot or parcel of land where the hive(s) are to be located
- No unreasonable disturbance to the health, safety, peace, or comfort of residents occupying properties, lots or parcels of land adjoining the property, lot or parcel of land for which such Permit is issued.
- Permit shall be personal to the applicant and shall not run with the land.

Beekeeping summary- Bay-Area:

- **State of California:** Beekeepers are required to register with their county.
- **San Francisco:** No specific permits required.
- **Palo Alto:** Beekeepers are required to acquire written permission from immediate neighbors
- **Yolo County (unincorporated):** It is illegal to have “exotic animals not used in circuses or carnivals.”
- **Foster City:** Beekeeping is prohibited.
- **San Jose:** Beekeepers must apply for a permit.
 - Code: <http://www.sanjoseanimals.com/pdf/SJMC7.09.pdf>
 - Fines: <http://www.sanjoseca.gov/Clerk/CouncilDocs/FinesSched.pdf>
- **Santa Clara County (unincorporated):** Apiaries must be 1,000 feet from any “residence, church, school, public building, and corral or water area.
- **Los Gatos:** Apiaries must be 1,000 feet from any “residence, church, school, public building, and corral or water area.
- **Marin County:** Beekeeping regulation can vary by street within the same town.
- **San Rafael:** Permit required.
- **Tiburon:** Permit required.
- **Fairfax:** Permit required.
- **Sausalito:** Permit required.
- **Novato:** Allows non-commercial backyard hives.
- **Mill Valley:** “Backyard Beekeeping” is prohibited.
- **Larkspur:** No beekeeping regulations.
- **San Anselmo:** No beekeeping regulations.
- **Corte Madera:** Beekeeping regulation varies by neighborhood.