

# Agenda Report

**DATE: November 25, 2013**

**TO:** Honorable Mayor and City Council

**THROUGH:** Legislative Policy Committee (November 20, 2013)

**FROM:** Public Health Department

**SUBJECT: AMENDMENT TO CHAPTER 6.20 OF THE PASADENA MUNICIPAL CODE REDUCING THE DISTANCE SEPARATION REQUIREMENTS AND IMPLEMENTING REGULATIONS FOR THE KEEPING OF CHICKENS**

**RECOMMENDATION:**

It is recommended that the City Council:

1. Direct the City Attorney to draft, and return within 60 days, an amendment to Chapter 6.20 of the Pasadena Municipal Code modifying the requirements for the keeping of chickens in residentially zoned areas of the City such that:
  - a. The distance requirement for chicken enclosure be set at a distance of 35 feet from a dwelling house or structure;
  - b. An adequate enclosure or fence be required to contain chickens;
  - c. Owners are required to register with the Poundmaster (Humane Society) and submit a completed self-certification checklist that verifies the owner conforms to the ordinance requirements; and
  - d. A registration fee be established for review and approval by the City Council.
2. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15061(b)(3).

**BACKGROUND:**

Current City regulations, set forth in the Pasadena Municipal Code (PMC) Chapter 6.20, restricts the keeping of chickens, geese, ducks, turkeys, pheasants, doves, pigeons, squabs or similar fowls or rabbits, to not less than 50 feet of any street line or property line, or 100 feet of any dwelling house or structure used as a dwelling, church, school, hospital or place where food products are kept, stored, manufactured or served to the public. The Code does allow for a resident to request an exemption to the distance requirements after an exemption hearing is held and granted by the Health Officer. It is important to note that the number of chickens that can be kept is currently limited at no more than 10, and staff is not recommending any change to this limit.

In May 2013, the City Council received public comment requesting modification of the distance requirements to allow more residents to enjoy "backyard hens". Petitioners argue that lowering the perimeter requirements from 50 feet to a more reasonable 35 feet will allow backyard hens to contribute to sustainability, access to healthy foods, and lead the city to a greener future.

Backyard hen advocates list various public health benefits of supporting backyard coups; including greater access to less expensive, healthy foods; fresh eggs; and environmental health effects like nitrogen-rich guano for fertilizer use. Additionally, chickens can serve as composters for household food scraps.

While these benefits do exist, there are also potentially unintended consequences which policymakers and public health professionals should be mindful of. Urban chicken coups may attract predators such as coyotes, hawks or other wild animals. Failure to maintain proper sanitation may lead to odor and fly breeding. The Centers for Disease Control and Prevention has raised concerns that the improper handling of chickens can pose salmonella risk if not handled properly.

The Public Health Department has assessed these risks and believes that through appropriate regulation, they can be mitigated. The Department will work with the Humane Society to develop and provide to each owner at the time of registration information on how to avoid unnecessary disease exposure and proper sanitation.

Staff is recommending the following elements be included in any new regulations:

- Chicken coops must be a minimum of 35 feet away from any adjacent dwelling unit or structure;
- Require adequate enclosure or fencing be provided to contain chickens;
- Require adequate shelter be provided to protect the chickens from the elements, and to prevent wildlife or predators from gaining entry;
- Prohibit the keeping of roosters of any age;
- Modify the exemption authority listed in Section 6.20.200 from Health Officer to the Poundmaster;

- Amend Section 6.20.270 to delegate the appeal to the Poundmaster's decision to the City Manager or designee;
- Owners would be required to register with the Pasadena Humane Society in its capacity as the City's Poundmaster.
- A fee would be established to offset the cost of managing the program.

The following is a summary of other local area policies:

- Alhambra – Up to 15 chickens or other fowl are allowed and no roosters over 3 months old are allowed. They may not be kept within 40 feet of any dwelling, excluding the subject property's dwelling, and may not be kept within 15 feet of any side or rear property lines.
- Arcadia – Up to 10 fowl allowed. They may not be kept within 35 feet of any dwelling, except for the dwelling of the person keeping the fowl. They must be kept 65 feet from any public street or sidewalk, except on the side of a corner property they must be 40 feet on the street or sidewalk. Exceptions apply to household pets. Illumination of the coop is prohibited.
- La Cañada - In any residential zone, for each parcel with a primary dwelling unit, the occupant may keep not more than three chickens over the age of five months. Roosters over 2 months old prohibited. On larger lots, additional animals are allowed, but subject to greater restrictions including the requirement for a coop.
- San Gabriel – Prohibits all fowl and livestock, unless by order of the City Council.
- San Marino – Recently amended their ordinance to allow up to 3 chickens and prohibits all roosters. Reduced the distance requirements to 35 feet.
- South Pasadena – If there are less than 12 chickens, they must not be kept within 15 feet of a property line and not within 50 feet of any dwelling other than that occupied by the person keeping the chickens. If there are more than 12 chickens, a distance of 200 feet is required to any other dwelling.

#### **ENVIRONMENTAL IMPACT:**

The actions proposed herein have been reviewed for compliance with the California Environmental Quality Act (CEQA) and are exempt per Section 15061 (b) (3). The actions are covered by the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The proposed project is amending the perimeter for the keeping of chickens, which does not create the potential for a significant environmental effect.

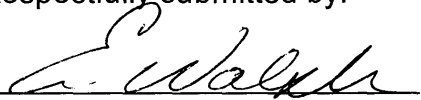
#### **COUNCIL POLICY CONSIDERATION:**

The proposed policy furthers the City Council's strategic goal of increasing conservation and sustainability by allowing responsible urban farming. It provides attainable equal access to healthy foods to local area residents, and promotes overall quality of life.


**FISCAL IMPACT:**

It is anticipated that the cost of this program will be around \$1,000 for staff time dedicated to registration, enforcement and response to complaints. All of this cost will be funded from the registration fees for keeping of chickens.

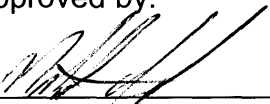
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