

ORDINANCE NO. 827

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA AMENDING TITLE 8, ANIMALS, BY AMENDING SECTION 8.04.020(A); ADDING SECTIONS 8.04.020(C) THROUGH (G) AND AMENDING TITLE 16, ZONING, BY ADDING SECTION 16.18.050.F and AMENDING 16.24.050.E OF THE YREKA MUNICIPAL CODE FOR THE PURPOSE OF ALLOWING BACKYARD CHICKENS

WHEREAS, in response to interest in the community for change in the City's regulations to allow backyard hens so that citizens may grow hens and harvest eggs for a food source; and,

WHEREAS, following Planning Commission's unanimous decision to disallow hens on July 20, 2011, the Council directed City staff to prepare an amendment to the Yreka Municipal Code for this purpose and to allow chickens in specific zones.

WHEREAS, the resources of the City cannot at this time justify establishment of a permit process that would require administrative support, and the Council has considered the staff recommendation on this matter; and,

WHEREAS, it is necessary and appropriate to maintain and protect the public health, safety and welfare of the citizens of Yreka by establishing certain regulations for the keeping of backyard chickens; and,

WHEREAS, the City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061 (b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YREKA DOES ORDAIN as follows:

Section 1. Title 8, Chapter 8.04, Section 8.04.020 (ANIMALS) of the Yreka Municipal Code is amended to read as follows:

"Chapter 8.04
ANIMALS

8.04.020 (a) It is unlawful for any person to keep, stable, corral or otherwise maintain within the city limits any horse, mule, fowl [\[25\]](#), ass, sheep, goat, swine, cattle or ruminant, or any number of such animals except as specifically provided herein; provided, however, the provisions of this section shall not be construed to prevent the working of any such animals or their use or display in a parade or exhibition.

(b) (1) No change.

(2) An application shall be filed with the planning director, which application shall set forth the applicant's name and address, the assessor's parcel number or numbers wherein the animals will be kept or maintained, the number and type of animals for which a permit is requested, and a plot plan of the real property showing all structures, wells, fences, animal enclosures, the area within which the animals will be kept, maintained and pastured, adjacent dwelling houses or businesses within three hundred feet of the exterior boundaries of the subject parcel, and such further information as may be required by the planning director. Said application shall be accompanied by the deposit of such fees as are established by resolution of the city council from time to time, which shall be refunded to the applicant to the extent the same is not used for the actual cost of processing the application. No fee or deposit shall be required for the keeping of any hens as long as the keeping or maintaining conforms with section 8.04.020(c).

No change in the remainder of 8.04.020(b).

(c) It is unlawful for any person to keep or maintain within the city, or permit to be kept or maintained upon land belonging to such person, any chickens except as follows: A total of not more than six (6) chicken hens may be kept and maintained in the zones permitted in Title 16. No hen shall be kept or maintained under this provision except in a clean and sanitary pen or structure; no part any pen or structure shall be located within the front yard or in the rear or side yard setbacks in the zones where permitted; odors from the animals or the manure or feed shall not be perceptible at the property boundaries and, provided further, that the keeping of such animal shall not create a health or nuisance problem. The condition of the pen or structure and/or odors from the animals, manure or feed shall not cause discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The pen or structure for the keeping of such animals shall not be closer to a neighboring dwelling than the dwelling occupied by the person owning or keeping such animals. No slaughter of hens is permitted in any yard area of the property where kept, except if a property described in Section 8.04.020(b). If the property upon which the hens will be kept is a rental property, landlord consent is required for the keeping of the hens. No commercial sales of such animals or eggs is permitted. Any person keeping or maintaining hens under this section shall immediately obtain a permit which shall provide their name, address and phone number to the City Clerk along with the address of the location of the hens being kept and acknowledges notice of these provisions. The permit is non-transferrable and indefinite, but is subject to withdrawal or rescission. The permit is subject to revocation only upon violation, in which event no hens shall be allowed on the subject property.

(d) Definitions. For the purposes of this chapter, the following definitions apply:

“Chicken” consists of any animal within the scientifically classified subspecies of Gallus gallus domesticus; “rooster” is any chicken of the male gender; “hen” is any chicken of the female gender; “keep” or “kept” means to own, possess, maintain or control; “keeper” means owner or person keeping the animal; “setback” is the area described in Title 16 wherein construction of a structure is not permitted.

(e) It is unlawful for any person to keep, harbor or maintain any rooster within the city, or permit to be kept, maintained or harbored any rooster within the city.

(f) Roaming of chickens is prohibited. No owner or keeper of a chicken shall allow or permit such chicken to roam within the city in or upon any public place or premises, or in or upon any private place or premises other than those of the owner or keeper, as provided in Section (c), except with the consent of the person in charge of the private place or premises.

(g) A violation of this section shall constitute an infraction and be subject to all of the civil and criminal remedies set forth in Title 1 of this Code.

Section 2. Title 16 (Zoning) of the Yreka Municipal Code is amended by adding a new SECTION 16.100 (SINGLE FAMILY RESIDENTIAL USES) to read as follows:

16.18.050 - Permitted Uses.

The following uses are permitted in the R-1 Zone District subject to issuance of a building permit, business license or other required permit(s):

A.Single-Family dwellings.

B.Group Care home not exceeding six (6) clients, subject to review for overconcentration pursuant to the California H&S 1520.5.

C.Small family daycare facilities

D.Parks, picnic areas and playgrounds associated with approved development

E.Duplex on corner lot when the following standards can be satisfied:

1.Ten thousand (10,000) square foot minimum area.

2.Eighty (80) foot minimum lot width

3.Each unit and garage shall face a separate street.

4.The floor area of each dwelling unit shall not be less than eight hundred and fifty (850) square feet.

5.Parking and access for each unit shall be provided as set forth in Section 16.20.040(D).

6.Front yards within twenty (20) feet to match both sides.

7.No more than two (2) duplexes shall be allowed per four-way intersection or one per three-way intersection.

F. Hens may be kept or maintained as provided by Section 8.04.020(c).

Section 3. Title 16 (Zoning) of the Yreka Municipal Code is amended by adding a new

SECTION 16.24.050.F (RESIDENTIAL AGRICULTURAL USES) to read as follows:

16.24.050 - Permitted Uses.

The following uses are permitted in the R-A Zone District subject to issuance of a building permit, business license or other required permit(s):

A. Single-Family dwellings

B. Group Care home not exceeding six (6) clients, subject to review for overconcentration pursuant to the California H&S Code § 1569.13

C. Small family daycare facilities

D. Parks, picnic areas and playgrounds associated with approved development

E. Orchards, vineyards, produce gardens, farm crops and similar uses. Animals and birds are subject to the provisions of §§ 8.04.020 and 8.04.050, except that hens may be kept or maintained as provided in Section 8.04.020(c).

SECTION 4. If any section, subsection, part, clause, sentence or phrase of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this Ordinance, the application thereof, shall not be effected thereby but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

SECTION 5. MANDATORY DUTY SAVINGS CLAUSE. By the use of such words as "shall" and "must" herein the City Council does not intend to create a mandatory duty upon the city. In imposing duties in this ordinance the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect and become operative upon its approval by a majority of the votes cast at the general municipal election held on June 5, 2012. Measure M General Municipal Election results: Yes 891 No 851. Election results adopted by Yreka City Council Resolution No. 2980.

SECTION 7. CERTIFICATION, PUBLICATION AND CODIFICATION. The City Clerk shall certify the passage and adoption of this ordinance and shall cause same to be published as required by law. Upon adoption, the City Clerk is directed and authorized to instruct the publisher of the City of Yreka Municipal Code that codification of this Ordinance is limited to Section 1 through Section 3.