

RESOLUTION NO. 2943

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YREKA,  
CALIFORNIA, ORDERING THAT A MEASURE AMENDING THE  
YREKA MUNICIPAL CODE TO ALLOW THE KEEPING OF BACKYARD  
CHICKENS BE SUBMITTED TO THE VOTERS AT THE GENERAL  
MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2012**

WHEREAS, the City Council desires to submit to the voters at the General Municipal Election to be held on June 5, 2012 a measure to amend the Municipal Code of the City of Yreka to allow the keeping of backyard chickens.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YREKA,  
CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The City Council, pursuant to its right and authority, does hereby order submitted to the voters at the General Municipal Election to be held on June 5, 2012, the following measure:

Shall an ordinance be adopted to allow the keeping of backyard chickens in the City of Yreka?	YES	NO
---	-----	----

SECTION 2. The text of the proposed ordinance to be submitted to the voters is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. The ballots to be used at the election shall be in form and content as required by law.

SECTION 4. The Siskiyou County Election Official is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election and is authorized to canvass the returns of the election.

SECTION 5. The election shall be conducted in the manner established by the Council's Resolution to Consolidate the General Municipal Election with the Statewide Primary Election to be held on June 5, 2012.

SECTION 6. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 7. Severability. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, unconstitutional or otherwise unlawful, by the

decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution, the application thereof, and the general taxes imposed shall not be affected thereby but shall remain in full force and effect, it being the intention of the voters 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. The City Council of the City of Yreka hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that one or more of the sections, subsections, sentences, clauses or phrases be declared invalid, unconstitutional or unlawful.

SECTION 8. The City Council finds and declares, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) that this action 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, and, the City Clerk is ordered to prepare and file a Notice of Determination to that effect and file it with the County Clerk by not later than five (5) working days after this Resolution is adopted pursuant to California Public Resources Code section 21152(a).

SECTION 9. The City Council authorizes any and all members of the City Council to file written arguments in Favor or Against the City measure in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed by the County Clerk after which no arguments for or against the City measure may be submitted to the County Clerk. The time for filing written arguments shall be as established in the Resolution of the City Council of the City of Yreka Consolidating the General Municipal Election of 2012 with the Statewide Primary Election for June 5, 2012.

SECTION 10. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the County Clerk.

SECTION 11. The City Council recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Siskiyou. The City Clerk shall certify to the passage and adoption of this resolution.

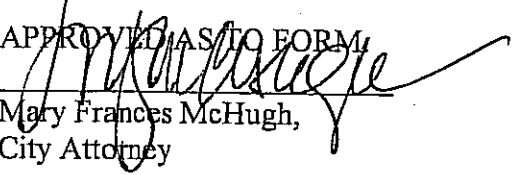
Passed and adopted at a regularly scheduled meeting of the City Council, this 15<sup>th</sup> day of December, 2011, by the following vote:

AYES: BICEGO, FOSTER, McNEIL & SIMMEN  
NAYS: MREIER  
ABSENT: NONE

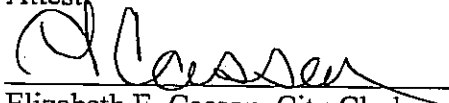


Rory McNeil,  
Mayor of the City of Yreka

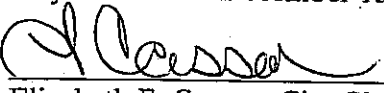
APPROVED AS TO FORM

  
Mary Frances McHugh,  
City Attorney

Attest:

  
Elizabeth E. Casson, City Clerk

The foregoing is a true and correct copy of Resolution Number 2943 as adopted by the Yreka City Council on December 15, 2011.

  
Elizabeth E. Casson, City Clerk

# EXHIBIT 'A'

ORDINANCE NO. \_\_\_\_\_

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<sup>[25]</sup>, 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) NEW: 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) NEW: 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) NEW: 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) NEW: 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) NEW: 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. NEW: 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 to be held on June 5, 2012.

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.