

Additions are underlined.
Deletions are ~~struck through~~.
Revision markers are noted in left or right margins as vertical lines.
Double-underlined and/or ~~double-strikethrough~~ reflects changes that are in process in another ordinance but are not in effect.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, ADDING A NEW CHAPTER 6.18 (KEEPING OF ROOSTERS) AND AMENDING SECTIONS 18.08.040 (AGRICULTURE), 18.126.030 (ISSUANCE), 18.126.060 (PERMIT - ISSUANCE PREREQUISITES), AND 18.132.070 (AMORTIZATION OF CERTAIN NONCONFORMITIES) OF THE NAPA COUNTY CODE REGULATING THE KEEPING OF ROOSTERS

WHEREAS, the Board of Supervisors finds it is in the public interest to regulate the keeping of roosters so the same does not become a public nuisance;

NOW, THEREFORE, the Board of Supervisors of the County of Napa, State of California, ordains as follows:

SECTION 1. A new Chapter 6.18 (Keeping of Roosters) is added to Title 6 (Animals) of the Napa County Code to read in full as follows:

Chapter 6.18

KEEPING OF ROOSTERS

Sections:

- | | |
|------------------------|--|
| <u>6.18.010</u> | <u>Purpose.</u> |
| <u>6.18.020</u> | <u>Definitions.</u> |
| <u>6.18.030</u> | <u>Rooster keeping.</u> |
| <u>6.18.040</u> | <u>Tethering prohibited.</u> |
| <u>6.18.050</u> | <u>Liability and enforcement.</u> |

6.18.010 Purpose.

The intent of this chapter is to limit the number of roosters that may be kept on a single legal parcel, to eliminate the potential for public nuisance, and for the protection of the health and safety of the residents of Napa County.

6.18.020 Definitions.

Unless the context requires otherwise, the definitions in this section shall govern the interpretation of the provisions of this chapter.

A. "Agricultural commissioner" means the Napa County agricultural commissioner-sealer of weights and measures, or the agricultural commissioner's designees.

B. "Rooster" means any male chicken which is:

1. Six months or older; or
2. Has full adult plumage; or
3. Capable of crowing.

6.18.030 Rooster keeping.

A. No more than four roosters shall be kept or maintained on any property or legal parcel within unincorporated Napa County.

B. This section shall not apply to commercial poultry ranches whose primary commodity is the production of eggs or meat for sale as permitted by the County, public or private schools as registered with the California Department of Education, FFA or 4-H sponsored projects, or to legitimate poultry hobbyists as approved in writing by the agricultural commissioner.

C. The limit imposed under subsection (A) above is suspended until April 15, 2014, to allow a property owner and any person occupying or leasing the property reasonable time to reduce the number of roosters kept on their property.

D. Each individual bird beyond the four rooster limitation constitutes a separate violation.

E. Rooster enclosures shall have a minimum set back from adjacent residences of fifty feet.

F. Nothing in the foregoing is to be construed as approving the keeping of any poultry in contravention of any statute, zoning ordinance, or other law.

G. At all times, roosters shall be provided:

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; and

3. Clean and sanitary premises that are kept in good repair.

H. The agricultural commissioner shall establish written standards necessary to carry out the intent of this chapter and may condition any approval based on compliance with the written regulations and standards. Failure of any property owner and any person occupying or leasing the property to comply with any of the provisions of this chapter or applicable law, or the regulations and standards of the agricultural commissioner shall constitute good cause for the denial of any approval, either original or renewal, or for its revocation.

6.18.040 Tethering prohibited.

Notwithstanding any other provision of law, no person shall maintain any rooster by means of a tether attached to an object. Each individual rooster so tethered constitutes a separate violation.

6.18.050 Liability and enforcement.

A. Any person who violates any of the provisions of this chapter shall be guilty of either an infraction or a misdemeanor.

B. In addition to the penalties set forth in subsection (A), violators of this chapter may be subject to a public nuisance abatement action brought under the provisions of Chapter 1.20 and the civil penalty provisions of up to one thousand dollars per violation per day as provided in subsection (B) of Section 1.20.155 and may also be subject to an unfair competition action brought pursuant to Business and Professions Code Section 17200 et. seq and up to two thousand five hundred dollars civil penalty per violation.

C. The civil remedies and penalties provided by this subsection are cumulative to each other.

SECTION 2. Section 18.08.040 (Agriculture) of Chapter 18.08 (Definitions) of the

Napa County Code is amended to read in full as follows:

18.08.040 Agriculture.

“Agriculture” means the raising of crops or livestock and includes the following:

- A. Growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops;
- B. Grazing of livestock and feeding incidental thereto;
- C. Animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits and poultry and egg production, except as provided in subsection (F) of this section;
- D. Sale of agricultural products grown, raised or produced on the premises;
- E. Farm management uses meeting all of the standards in subsections (E)(1) through (E)(6) of this section. Farm management shall mean the operation, maintenance and storage of farm machinery, equipment, vehicles and supplies used exclusively for agricultural cultivation and harvesting where all machinery, equipment, vehicles and supplies are leased or owned and operated by the farm manager whether that manager is an owner, tenant, or agricultural contractor, and regardless of whether properties managed are contiguous or under similar ownership, provided that at least seventy-five percent of the managed acres are within Napa County. Farm management shall not include manufacturing for sale or retail sales of any kind and shall not include businesses devoted to equipment storage, rental or repair rather than farming. Farm management shall not include the operation, maintenance or storage of equipment used for construction of structures, even if those structures are in support of agriculture;
 - 1. Offices used for farm management shall meet the definition of accessory uses in Section 18.08.020;
 - 2. Farm management activities established or expanded after June 30, 2006, alone or in combination with any wineries subject to Section 18.104.220 shall not occupy more than fifteen acres or twenty-five percent of the parcel size, whichever is less;

3. No single farm management building or structure newly constructed or expanded after June 30, 2006 shall exceed five thousand gross square feet. Multiple smaller buildings are permitted as long as they conform to the lot coverage standard in subsection (E)(2) above;

4. Uncovered storage areas shall be screened from preexisting residences on adjacent parcels and from designated public roads defined in Chapter 18.106. Screening shall generally consist of evergreen landscape buffers;

5. Farm managers shall possess all applicable local, state and federal permits and licenses;

6. All exterior lighting, including landscape lighting, for farm management uses shall be shielded and directed downward, located as low to the ground as possible, and the minimum necessary for security, safety, or operations. Additionally, motion detection sensors must be incorporated to the greatest extent practical. No flood-lighting or sodium lighting of buildings is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction, two copies of a separate detailed lighting plan shall accompany building plans showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for department review and approval.

F. Agriculture shall not include the raising and keeping of more than ~~four~~~~twenty-five~~ roosters ~~per acre, up to a maximum of one hundred roosters~~ per legal parcel, ~~unless an administrative permit has been obtained~~ except as may be permitted pursuant to Chapter ~~6.18~~~~18.126~~.

SECTION 3. Section 18.126.030 (Issuance) of Chapter 18.126 (Administrative Permits)

of the Napa County Code is amended to read in full as follows:

18.126.030 - Issuance.

Subject to the provisions of this chapter, an administrative permit may be issued by the director, or zoning administrator as provided by subsection (A) of Section 18.10.020, for any of the following:

A. A temporary event;
B. A home occupation;
C. An entry structure;
D. Directional, identification, temporary off-site and/or agricultural signs, and comprehensive sign plans;

E. A temporary trailer;
F. Very minor modifications to use permits as described in subsections (C)(1) through (5) of Section 18.124.130;

G. Hot air balloon launching sites involving fifty or fewer days of launches or attempted launches at the same site per year. For purposes of this chapter, anytime the permittee stages or sets up balloon equipment in anticipation of a launch at the same site, the site shall be deemed used and it shall count towards the maximum fifty launching days allowed per year regardless of whether an actual launch occurs;

H. (Reserved); ~~The raising and keeping of more than twenty-five roosters per acre or more than one hundred roosters per legal parcel; and/or~~

- I. Small wind energy systems pursuant to the requirements of Chapter 18.117 of this Code; and/or
- J. Cottage food operation.

SECTION 4. Section 18.126.060 (Permit - Issuance Prerequisites) of Chapter 18.126

(Administrative Permits) of the Napa County Code is amended to read in full as follows:

18.126.060 Permit - Issuance Prerequisites.

Issuance of an administrative permit is subject to the following standards:

- A. An administrative permit for a temporary event shall not be issued unless the application complies with Chapter 5.36 and the standards set forth in the Temporary Events Manual.
- B. An administrative permit for a home occupation shall not be issued unless the application complies with the standards contained in Section 18.104.090.
- C. An administrative permit for certain entry structures and fences shall not be issued unless the application complies with the standards contained Section 18.104.270 or Section 18.104.275.
- D. An administrative permit for a directional sign shall not be issued unless the application complies with the standards contained in subsections (A) and (B) of Section 18.116.030.
- E. An administrative permit for an identification sign shall not be issued unless the application complies with the standards contained in Section 18.116.035.
- F. An administrative permit for a comprehensive sign plan shall not be issued unless the application complies with the standards contained in Section 18.116.035.
- G. An administrative permit for an agricultural sign shall not be issued unless the application complies with the standards contained in subsection (C) of Section 18.116.030.
- H. An administrative permit for a temporary off-site sign shall not be issued unless the application complies with the standards contained in subsection (G) of Section 18.116.030.
- I. An administrative permit for a construction trailer shall not be issued unless the application complies with the following standards:
 - 1. A building permit for a residential use has been issued for the property upon which the trailer will be located;
 - 2. The trailer is for use by the owner/builder;
 - 3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 - 4. The trailer meets applicable county setback requirements.
- J. An administrative permit for a medical or caregiver trailer shall not be issued unless the application complies with the following standards:
 - 1. The property owner or occupant of the property has provided written documentation from a licensed physician indicating the property owner's or occupant's need for twenty-four-hour, in-home medical care;
 - 2. The trailer meets applicable county department of environmental management requirements for sewer and water; and
 - 3. The trailer meets applicable county setback requirements.

K. An administrative permit for an office trailer shall not be issued unless the application complies with the following standards:

1. A use permit has been granted for the property upon which the trailer will be located and a building permit for the office is either in process for issuance or has been issued;
2. The trailer will be used during the daytime for business purposes only and no overnight lodging will occur;
3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
4. The trailer meets applicable county setback requirements.

L. An administrative permit for a watchman trailer shall not be issued unless the application complies with the following standards:

1. A use permit has been granted and a building permit (if required) is either in process for issuance or has been issued for the property upon which the trailer will be located;
2. There is a need for security on-site because the property is located in an isolated area or there is a risk of theft, vandalism, burglary, or unauthorized entry upon the property;
3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
4. The trailer meets applicable county setback requirements.

M. Except as provided in Section 18.104.295, a permit for a farm labor trailer shall not be issued unless the application complies with the following standards:

1. A use permit has been granted for the property upon which the trailer will be located;
2. A building permit for a permanent structure is either in process for issuance or has been issued;
3. There is a demonstrated need for a temporary trailer to be onsite prior to completion of construction of the permanent structure;
4. The trailer meets applicable county department of environmental management requirements for sewer and water; and
5. The trailer meets applicable county setback requirements.

N. An extension of time for an administrative permit for any temporary trailer shall not be issued unless the director determines that the original findings identified in Section 18.126.060 have not changed.

O. A permit for hot air balloon launchings shall not be issued unless the application complies with the following standards:

1. The proposed launch site is located more than five hundred feet from any off-site residence or if the launch site is proposed within five hundred feet of any off-site residence, the permittee has submitted written consent to the planning department from the property owners or residents of any off-site residences within five hundred feet stating that they have no objection to the proposed launch site;
2. The permittee has submitted a signed statement which acknowledges that the permittee: (a) has read the county's adopted code of conduct; (b) agrees that all users of the launch site will be bound by the county's adopted code of conduct; and (c) certifies that all activities within the last year at any other sites operated by the permittee have complied with the county's adopted code of conduct;
3. The permittee has provided written authorization from either the property owner where the launch site is proposed or the property owner's authorized agent together with a

statement from the property owner or the property owner's authorized agent confirming that balloon launchings will not interfere or conflict with any existing or planned agricultural uses on the property;

4. The site is proposed for use only between the hours of five-thirty a.m. and nine-thirty a.m.;

5. The permittee has provided the planning department with a certificate of insurance naming the county and the property owner as additional insureds on the personal injury/property damage insurance in an amount acceptable to the county's risk manager which is consistent with the county's corporation yard license requirements currently existing or as amended;

6. The permittee has provided a list of intended landing areas that are both reasonable given the launch location and prevailing winds and permitted or allowed;

7. The permittee and each balloon operator utilizing the permittee's launch site agree to conduct their operations so as to remain in good standing with the county. For purposes of this section, "in good standing with the county" means that within the last twelve-month period, the county has not received more than three verified complaints or a number of verified complaints equivalent to three percent of the total number of launches, whichever is greater. All complaints must be: (a) submitted on a form provided by the planning department for verification; and (b) submitted by a property owner or resident who has certified that the permittee or a balloon operator using the launch site has landed on the property owner's or resident's property without permission; and

8. Notice of the tentative approval of a hot air balloon launching site pursuant to this chapter shall be given by the director of planning in accordance with subsection (B)(4) of Section 18.136.040. All notices under this section shall inform the persons notified of their right to appeal the decision under Section 18.126.060, including the time within which any such appeal must be filed.

P. An administrative permit for agriculture association signs and American viticulture area signs shall not be issued unless the application complies with the standards contained in subsection (F) of Section 18.116.030.

Q. ~~(Reserved.) An administrative permit for the raising and keeping of more than twenty-five roosters per acre or more than one hundred roosters per legal parcel shall not be issued unless the application complies with the following standards:~~

~~1. A description of the real property where the roosters will be kept and identification and consent of the owner of the property.~~

~~2. There are no zoning or building code violations on the property, and there have been none in the twelve months preceding submittal of the application.~~

~~3. An inspection has been conducted by a representative of the county agricultural commissioner—sealer's office, who has reported that any roosters currently being kept on the property are being kept and raised in humane and sanitary conditions.~~

~~4. Neither the applicant or property owner has, within the preceding five years, been convicted of a violation of Penal Code Sections 597, 597b, 597i, or 597j.~~

~~5. The application shall list the number of roosters to be kept, maintained or harbored. A site plan must be submitted identifying the locations and number of coops and cages. Coops and cages shall not conflict with any building code and setback requirements, unless they otherwise would qualify as a legal nonconformity under subsections (A), (B) and (C) of Section 18.132.030.~~

~~6. Coops and cages shall be maintained in a clean and sanitary condition.~~

R. An administrative permit for off-site sign(s) identifying a hospital with emergency room facilities shall not be issued unless the application and proposed signage complies with the standards contained in subsection (H) of [Section 18.116.030](#).

S. An administrative permit for a cottage food operation shall not be issued unless the application complies with all of the standards contained in Section 18.104.095.

SECTION 5. Section 18.132.070 (Amortization of certain nonconformities) of Chapter 18.132 (Legal Nonconformities) of the Napa County Code is amended to read in full as follows:

18.132.070 (Reserved) ~~Amortization of certain nonconformities.~~

~~Notwithstanding any provision in this chapter to the contrary, the raising and keeping of roosters in a number exceeding that allowed under subsection (F) of Section 18.08.040 shall cease and the parcel brought into compliance with this code no later than September 1, 2011.~~

SECTION 6. The Director of Conservation, Development and Planning has determined that this Ordinance would not have a significant effect on the environment and is exempt from the California Environmental Quality Act [See guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15061(b)(3)].

SECTION 7. Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the goals and polices of the 2008 General Plan Update preserving agricultural lands for agricultural use (AG/LU-4), and maintaining the quality of life in Napa County through enforcing regulations and codes (Policy AG/LU-118).

SECTION 8. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 9. This ordinance shall be effective on the sixty-first day from and after the date of its passage.

SECTION 10. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and public hearing held thereon before the Napa County Conservation, Development and Planning Commission at a regular meeting of the Commission on the ____ day of _____, 2013, and was passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the _____ day of _____, 2013, by the following vote:

AYES:	SUPERVISORS	_____

NOES:	SUPERVISORS	_____
ABSTAIN:	SUPERVISORS	_____
ABSENT:	SUPERVISORS	_____

BRAD WAGENKNECHT, Chairman
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By:_____

APPROVED AS TO FORM	
Office of County Counsel	
By:	Deputy County Counsel
By:	County Code Services
Date:	

APPROVED BY THE NAPA	
COUNTY	
BOARD OF SUPERVISORS	
Date:	_____
Processed by:	_____
Deputy Clerk of the Board	

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON CALIFORNIA ON _____.

_____, DEPUTY
GLADYS I. COIL, CLERK OF THE BOARD