



City of San Leandro

Meeting Date: September 3, 2013

Staff Report

File Number: 13-426

Agenda Section: ACTION ITEMS

Agenda Number: 10.A.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Sandra Spagnoli
Chief of Police

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for an Ordinance Repealing Title 3, Chapter 3-5 of the San Leandro Municipal Code Relating to Animals; Amending Title 4, Section 4-11-1000; and Enacting Title 4, Chapter 4-11, Articles 11-15; and a Resolution Amending the Master Fee Schedule to Add Fees Relating to Animal Permits

SUMMARY AND RECOMMENDATIONS

In December 2012, an informational staff report was presented to the City Council Rules Committee (attached). Based on recommendations from the Rules Committee, staff has held a public meeting to obtain additional input, and has drafted an ordinance to allow for the following:

1. Four chickens may be kept without a permit on parcels larger than an area specified in the Municipal Code.
 - a. City Council Rules Committee recommends: 4,500 sq. ft.
 - b. Staff recommends: 6,000 sq. ft.
2. Chickens may be kept on smaller parcels with an animal permit.
3. Ten-chicken maximum on any parcel.
4. Animal permit required for animals exceeding Municipal Code limits.
5. Beekeeping allowed with permit on parcels which are 6,000 sq. ft. or larger.
6. Establish appropriate permit fees.
7. Conduct a review of the ordinance after one full year of implementation.

Staff recommends the City Council:

1. Determine the appropriate square footage requirement for the keeping of four chickens by right.
2. Adopt the proposed ordinance.
3. Adopt the proposed fees for animal permits, beekeeping permits, and renewals.

BACKGROUND

Current regulations do not allow for the keeping of chickens or bees in a residential district. In 2011, the City Council directed staff to research and develop regulations to allow for chickens and bees in residential districts. The proposed ordinance is a result of extensive research on chickens and bees, public and council input, and reviewing policies of other cities.

Analysis

Staff has worked with community members and the City Attorney's Office to develop regulations that balance the desire of some residents to raise chickens and bees with the ability to regulate these activities and ensure public health and safety. The following revisions are being proposed to the current ordinance:

4-11-1100: Adds exemptions for animals kept for research or teaching, veterinarians, animal husbandry and pet shops.

4-11-1105: Updated to allow continued animal husbandry in the RO (Residential Outer) district in compliance with current Zoning Code regulations.

4-11-1110: Establishes minimum housing and care requirements for animals.

4-11-1200: Allows for up to four chickens on parcels with an area of ** or greater without an animal permit. Chickens may be kept on smaller parcels with an animal permit.

**** Council Considerations:**

1. City Council Rules Committee recommends allowing chickens on parcels of 4,500 sq. ft. or larger without a permit.
2. Staff recommends allowing chickens on parcels of 6,000 sq. ft. or larger without a permit.

The City Council Rules Committee requested a parcel map outlining citywide property lot size, which is attached to this report. Staff took into consideration public input from residents who shared significant concerns about the negative impact chickens could impose on neighbors. Most of the concerns are related to noise, rodents, odor and the ability to conduct enforcement.

In determining the appropriate lot size for keeping up to four chickens without a permit, staff considered the potential impact on adjoining neighbors. Staff determined enforcement would be difficult on a noise complaint of up to four chickens, on any property that was given a property right to have same, absent the permit. For example, if a 4,500 sf. property is entitled to have 4 chickens without a permit received a noise complaint, since they are entitled to up to four chickens, and chickens can be noisy, there would be no enforcement recourse. To balance the community concern on noise and odor chickens create and to allow for

individual evaluation of the ability of smaller lots to meet the adequate care, fencing and housing requirements, staff believes that a 6,000 square-foot minimum strikes a balance, since the smaller the lot size, the closer in proximity chickens and coops would be to neighbors.

4-11-1305: Sets forth regulations for an animal permit to allow for keeping of animals in a manner that would otherwise exceed the limits set forth in the Municipal Code. Prior to issuing an animal permit, Animal Control shall conduct an inspection to determine adequate care, fencing and housing. This section also regulates a mediation process for nuisance complaints as well as, outlines a permit renewal and inspection process.

4-11-1400/4-11-1405: Allows for beekeeping on lots that are 6,000 square feet or larger, with hives situated more than 50 feet from any existing dwelling, along with other requirements.

4-11-1500: Provides for an appeal process to the City Manager.

4-11-1505: Allows Animal Control Director to formulate consistent rules to carry out the intent of this chapter.

Previous Actions

In 2012, the City Council Rules Committee directed staff to bring back a draft ordinance to City Council with recommendations to:

1. Conduct a public workshop
2. Allow up to four chickens on properties of 4,500 sq. ft. or larger
3. Eliminate neighbor approval for beekeeping permits
4. Provide for liberal setbacks from adjoining properties

In March 2013, staff conducted a public outreach meeting. Public comments are summarized, attached, and were taken into consideration when developing the final proposed ordinance.

Summary of Public Outreach Efforts

At the March 2013 community meeting held by staff, community letters/emails, and significant public comments were provided in response to the City Council discussion. Many commenters were supportive of allowing chickens and bees. Those that did not support the regulations cited concerns about noise, odor and the attraction of pests such as rodents and flies. Staff also received numerous inquiries from hobby beekeepers and others interested in various kinds of urban agriculture.

Fiscal Impact

There is no significant fiscal impact associated with this item. Permitting fees associated with this regulation allows for partial cost recovery. In developing the proposed fees, staff examined similar City permit processes. The animal permit application process will be streamlined and can be accepted online. Once staff determines the permit meets the

standards of the Municipal Code, a permit will be issued and mailed to the applicant. Staff considered processing time, postage and other costs in determining the recommended fee and permitting process for each new permit. Permits are renewed every two years.

The proposed fee for the animal permit is:

PROPOSED FEES FOR ANIMAL PERMITS

<u>Permit</u>	<u>Fee</u>
Animal Permit (New-Includes changes to permit)	\$15.00
Animal Permit (Renewal)	\$15.00
Beekeeping (New)	\$15.00
Beekeeping (Renewal)	\$15.00

ATTACHMENTS

1. Summary of Chicken and Bee regulations in Alameda County
2. Staff report to City Council Rules Committee dated 12/3/12
3. Summary of comments from March 2013 community meeting
4. Fee calculation sheet and fee comparison
5. Parcel map and legend for lot sizes broken down by:
 - a. 6,000 sq. ft. or greater
 - b. 5,000-5,999 sq. ft.
 - c. 4,500-4999 sq. ft.
 - d. Less than 4,500 sq. ft.

PREPARED BY: Sandra Spagnoli, Police Chief

Summary of Alameda County Ordinances on Chickens and Bees
 City of San Leandro City Council, Community Development Subcommittee July 17, 2012

Chickens							
Jurisdiction	Permitting	Minimum Lot	Number Permitted		Setbacks	Enclosure Size	Enforcement
			Lot Size	Number			
Fremont	Hens permitted with Animal Fancier's Permits; No roosters	6,000 sf	6,000 sf or greater: 8,000 sf or greater: 10,000 sf or greater:	Four (4) Six (6) Ten (10)	Subject to rules and regulations of Animal Services	Subject to rules and regulations of Animal Services	Animal Services
Union City	Subject to approval of Exotic Animal Permit by City Manager's Office	Not specified	Not specified	Not specified	Three (3) feet (Enclosures over 120 sq ft in area or 6.5 feet in height)	Three (3) feet (Enclosures over 120 sq ft in area or 6.5 feet in height)	Animal Control
Newark	No permit needed for four or less chickens; No roosters	Any parcel zoned residential	10,000 sf:	Ten (10) chickens, including one rooster	Not specified	Not specified	Animal Control (for Animal Fancier Permit, if over four chickens)
Hayward	Permitted in single-family zoning, with an Administrative Use Permit (\$4,000 deposit on time/materials application); No roosters	5,000 sf	At discretion of Planning Director on review of site under the Administrative Use Permit	3 chickens	20 feet from any property line and not less than 40 feet from any dwelling on the same or adjoining lot	Minimum 200 square feet open area required	Animal Services
Alameda County (unincorporated areas)	No permit needed for three or less; Animal Fancier's Permit for four or more; No roosters	Not specified	Not specified	Not specified	25 feet from an adjacent (neighboring) dwelling	Must be enclosed (no size specified)	Animal Control

Summary of Alameda County Ordinances on Chickens and Bees
 City of San Leandro City Council, Community Development Subcommittee July 17, 2012

Chickens, Continued							
Jurisdiction	Zone	Minimum Lot	Number Permitted		Setbacks	Enclosure Size	Enforcement
			Lot Size	Number of Chickens			
Berkeley	Not specified	Not specified	Not specified	Not specified	25 feet from an adjacent (neighboring) dwelling	Must be enclosed (no size specified)	Animal Control
Emeryville	Permitted in R-M District, with Permit from Police Department	Not specified	Not specified	Five (5) chickens	20 feet from any inhabited building	Not specified	Animal Control
Oakland	Permitted as accessory in all R Zones	Not specified	Not specified	No minimum # roosters prohibited	20 feet from any dwelling, church, or school	Not specified	County Vector Control for review vector related issues; County Health for sanitary issues; Code Enforcement for noise and odor
Livermore	Permitted with an Animal Fanciers Permit	Not specified	Not specified	No more than 10 per lot; roosters prohibited	Not specified	Two square feet per bantam; three square feet per standard type.	Animal Control

Summary of Alameda County Ordinances on Chickens and Bees
 City of San Leandro City Council, Community Development Subcommittee July 17, 2012

Bees							
Jurisdiction	Zone Permitted	Minimum Lot Size	Number Permitted		Setbacks	Enclosure	Code Enforcement
			Lot Size	Number of Animals			
Fremont	Not specified	6000 sf	6,000 sf or greater: 8,000 sf or greater: 10,000 sf or greater:	One (1) beehive Two (2) beehives Three (3) beehives	Not specified	Not specified	Animal Services
Union City	Residential; Exempt from Exotic Animal Permit	Not specified	Not specified	Not specified	Not specified	Not specified	Alameda County's Vector Control Services of the Department of Environmental Health
Newark	Permitted only with Animal Fancier's Permit	6,000 sf	6,000 sf or greater: 8,000 sf or greater: 10,000 sf or greater:	One (1) beehive Two (2) beehives Three (3) beehives	Not specified	Not specified	Animal Control (for Animal Fancier Permit, if over four chickens)
Hayward	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated
Alameda County	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated
Berkeley	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated
Emeryville	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated	Not regulated
Oakland	Permitted as accessory in all R Zones	Not specified	Not specified	Not specified	Not specified	Not specified	Code Compliance, if nuisance
Livermore	Animal Fancier's Permit	Half acre	Half Acre	Two (2) beehives	Rear half of lot	2' x 2' x 1.5'	Animal Control

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.



San Leandro Police Department • Proud to Serve

Chickens & Bees
Thursday, March 14, 2013
5:30 p.m. to 7:00 p.m.

CHICKENS

- San Leandro Patch Article
- Lot Size - Requirements vary by City
- Accessory Structures – Maximum Height 15 Feet
 - Concerned Height may be too High – Suggestion Made for 6.5 Feet Max Height
- Proposed Regulation – No Structure within 20 Feet from an Adjacent Dwelling
- For Residents with a Permanent Coop in Backyard
 - Is a “Train Tractor Coop” (Mobile Coop) permissible
- Discussion s with Community – Regulations can be Modified in the Future
- Roosters are NOT Permitted – Too Many Noise Complaints
- Compliment – Flexibility in the City of San Leandro to Create Ordinance

ANIMAL FANCIERS PERMIT

- Treatment for Sick Chickens
 - Animal Control Division can Provide Assistance for Vet Care
- Section 2 – Recommended Expansion on Treatment & Sanitation
 - Compile List of Resources – Brochure format
 - Rationale for Care of Animals
- Research with Other Cities – Permits Required and Permit Processes?
- Guidelines are Understandable – Good to Have Available
 - Questions on Permits
 - No Permit Required for 4 Chickens Within 4,500 sq. ft.
- General Term – “Animal Fanciers”
- License Required on Animals
 - Dogs Yes/Trees No
- Positive Comment-Number of Chickens Increased from 2 to 4 before Permit Required
 - Exceeding this Limit can be Problematic
- Suggestion – Residents with Coops to Rescue Abandoned Chickens
- Includes Bantam Chickens/Turkeys Prohibited
- Concerns on Impacts on Native Wildlife – Propose Restrictions
- Huge Population of Ferrell Cats – Control Mice/Rat Population
- Regulations/Guidelines Needed for Enforcement
 - Specifics Needed to Provide/Define Care for Animals
- Maintaining a Business License for Small Profits is a Minor Concern – Many Business Operate Without

BEEKEEPING

- Clarification on Hive Orientation
 - Orientate Hives Away From Other Properties
 - Condition B6 – 6 Foot Solid Fence in Backyard to Maintain Hives
- Section 8 – Education Piece
 - Allergic Reactions to Bee Stings
 - 50 Feet – Immediate/Adjacent Neighbors
 - Proof/Documentation of Medical Diagnosis
- How to Control New Neighbors – Potential New Neighbor Allergic to Bees
 - People Moving/Change of Neighbors
 - Beekeeper Expert – Speak at Council Meeting
- Bees Everywhere/Home and Hives
 - Bees are Attracted to Flowers – Bees Search for Nectar/Pollen
 - Bees are in Yards – Not fair for Neighbors that are Allergic to Minimize Garden
- Regulation for Lot Size is Unrealistic
 - Concern Other Cities Don't Regulate Lot Size
- Propose Notification to Neighbors – Protect Individual Rights
- Contra Costa Beekeeper Association – Social Network
 - Did Not Enhance Expertise for Beekeeping
- Propose City of San Leandro Provides Flexibility for Individual Situations
- Propose Beekeepers Keep Medical Aid on Hand for a Serious Allergic Reaction

SUMMARY OF FEES FOR ANIMAL PERMITS

	Livermore	Pleasanton	Berkeley	Fremont	Union City	Hayward	San Leandro	
							Current	Proposed
Permit								
Animal Permit (New)	\$15/year	N/A	N/A	\$122/year	\$122/year	\$250 One Time Fee	N/A	\$15
Animal Permit (Renewal)	\$15/year	N/A	N/A	\$122/year	\$122/year	N/A	N/A	\$15
Bee-Keeping (New)	\$15/year	N/A	N/A	\$122/year	\$122/year	\$250 One Time Fee	N/A	\$15
Bee-Keeping (Renewal)	\$15/year	N/A	N/A	\$122/year	\$122/year	N/A	N/A	\$15

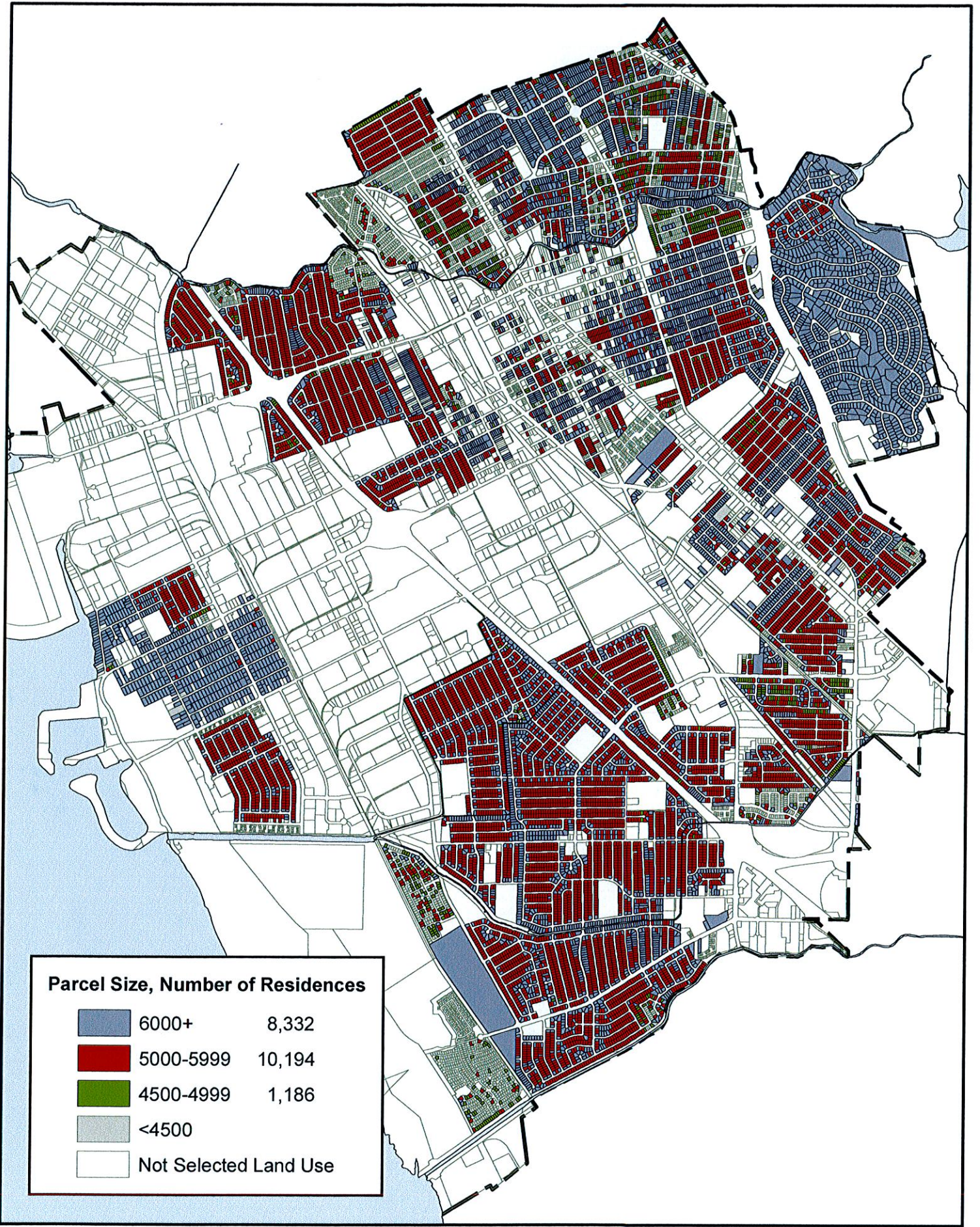
San Leandro Proposed fees is a partial cost recovery

Actual Costs are:

1. Staff Time/Inspection (1 Hour): \$28.00/hour
2. Staff Time/Document Processing (.5 hour): \$14.00
3. Permit Issuance: \$5.00

Total: \$47.00

Parcel Sizes for Selected Land Uses
19,712 Residences (Approximate) 8/12/13



Number of Residences by Parcel Size for Selected Land Uses

19,712 Residences (Approximate) 5/21/2013

Land Use		Number of Residences			
		6000+	5000-5999	4500-4999	Total
1100	Single family residential homes used as such	5744	9268	986	
1120	Residential Imps on Commercial Land	1			
1140	Single family residential home, R&T 402.1		1	1	
1150	Historical residential	2			
1200	Single family res home with non-economic 2nd unit	56	29	2	
1300	Single Family Res home with slight commercial/ind	1	2	1	
1800	SFR - Planned Development Tract with Common Area	5	19	30	
1840	SFR - Planned Development Tract, R&T 402.1		1		
1900	Single family res - manufactured	2			
2100	Two, three or four single family homes	354	52	16	
2200	Double or duplex type - two units	400	650	105	
2300	Triplex; double or duplex with single family home	283	31	9	
2400	Four living units; e.g. fourplex or triplex w/SFR	365	104	28	
2500	2 units, lesser quality than 2200 or unknown legal	44	34	2	
2600	3 units, lesser quality than 2300 or unknown legal	36	3	6	
2700	4 units, lesser quality than 2400 or unknown legal	20			
2900	More than 1 mobile home, or M/H w/other res units	2			
7100	Five or more single family res homes	24			
7200	Residential property converted to 5 or more units	91			
9100	Mobile home park parcel with improvements	902			
		8332	10194	1186	= 19712



City of San Leandro

Meeting Date: September 3, 2013

Ordinance

File Number: 13-427

Agenda Section: ACTION ITEMS

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Sandra Spagnoli
Chief of Police

FINANCE REVIEW: Not Applicable

TITLE: PASS TO PRINT: An Ordinance Repealing Title 3, Chapter 3-5 of the San Leandro Municipal Code Relating to Animals; Amending Title 4, Section 4-11-1000; and Enacting Title 4, Chapter 4-11, Articles 11-15 (clarifies housing and care requirements for animals, establishes regulations to maintain chickens and bees, and establishes an animal permit that allows for the maintenance of animals beyond what City regulations would otherwise allow)

The City Council of the City of San Leandro does **ORDAIN** as follows:

SECTION 1. PURPOSE. The purpose of these amendments is to clarify housing and care requirements for animals, establish regulations to maintain chickens and bees, and to establish an animal permit that allows for the maintenance of animals beyond what City regulations would otherwise allow.

SECTION 2. AMENDMENT OF CODE. Title 3, Chapter 3-5 of the San Leandro Municipal Code is hereby repealed.

SECTION 3. AMENDMENT OF CODE. Title 4, Section 4-11-1000 is hereby amended to read as follows, with additions in underline and deletions in strikethrough text and :

Any violation of the provisions of this Chapter ~~shall~~ may be abated in the manner provided in Chapter 1-12. For the purposes of enforcement pursuant to Section 1-12-200 of this Code, any violation of this Chapter except Article 6 shall constitute an infraction.

SECTION 4. AMENDMENT OF CODE. Chapter 4-11, Articles 11-15 are hereby enacted as follows:

ARTICLE 11 GENERAL

**4-11-1100
CERTAIN USES PROHIBITED**

(a) Except for household pets, the maintenance, feeding, or keeping of exotic animals, horses, cows, sheep, goats, or other animals of any kind is prohibited. Household pets include cats, caged birds, not over two spayed or neutered pot-bellied pigs licensed in accordance with this Chapter, fish, mice, rats, hamsters, guinea pigs, not more than two dogs, and similar domesticated pet animals, all of the aforesaid kept as household pets. Special regulations shall apply to the keeping of chickens, as described in Article 2.

(b) Notwithstanding the foregoing, the provisions of this Chapter are not applicable to the following:

- (1) Owners who use animals for diagnostic purposes or research, and who have a valid permit issued by a governmental agency, and whose animals are kept on the premises specified in the permit.
- (2) Owners who use animals for teaching purposes in recognized educational institutions and whose animals are kept on the premises of the institution or other authorized place.
- (3) Owners of establishments that treat or board animals on the premises, and that are owned or operated by a veterinarian licensed by the state.
- (4) Owners who are engaged in animal husbandry as a permitted use pursuant to the zoning ordinance as described in section 4-11-1105.
- (5) Owners of horse-riding academies and public and private horse stables and premises on which they are operated, as a conditional use pursuant to the zoning ordinance.
- (6) Owners of licensed pet shops.
- (7) Other circumstances when specifically authorized by the Animal Control Director after a determination that such authorization would be consistent with the intent of this Chapter.

**4-11-1105
EXISTING USES**

Any person raising or keeping chickens, or other animals in the RO (Residential Outer) Zoning District at the time this Chapter takes effect or afterwards may continue to do so if they are in compliance with the Zoning Code related to the RO District and Animal Husbandry and any other applicable regulations except that roosters may not be kept. However, such persons must demonstrate compliance with the housing and care requirements listed in section 4-11-1110 below.

4-11-1110
HOUSING AND CARE REQUIREMENTS FOR ALL ANIMALS

Animal owners must be able to demonstrate compliance with the following:

(1) 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, the nature of the animal, or its feeding habits dictate otherwise.

(2) Treatment and Sanitation.

(i) All animals 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 licensed veterinarian at the owner or keeper's expense.

(ii) If any animals are in need of medical treatment, and the owner has failed to provide such treatment, the animals will be treated by a veterinarian upon order of the Animal Control Officer in accordance with Section 597f of the California Penal Code.

(iii) All cages or other enclosures shall be cleaned regularly and their surroundings shall be kept in a sanitary condition and free from offensive odor.

(iv) The storage of animal feces shall be in a fly-proof container to be properly disposed of a minimum of once weekly.

(v) If animal manure is composted on-site, it shall not create odor issues or attract vermin or insects.

(vi) Adequate and effective vector control shall be maintained at all times.

(vii) Where the natural climate of the species of the animal differs from the climate of San Leandro, provisions must be made to adjust housing and treatment of the animal to the natural habitat.

(3) Cages and Enclosures.

(i) Household pets are not required to be maintained in cages or enclosures.

(ii) When cages, enclosures, or housing facilities for animals are used, 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.

(iii) In the case of animals kept outdoors, sufficient shade shall be provided to prevent overheating or discomfort from sun exposure. Animals kept outdoors shall also be provided with access to shelter to allow them to remain dry during inclement weather.

(iv) Animals with a propensity to fight, or that are otherwise incompatible, shall be kept separated.

(v) Cages shall have tops to prevent escape by climbing or jumping.

(vi) Shelter, cages and enclosures shall be kept in good repair with no protrusions or devices on which the animal could injure itself.

(vii) No cage or structure shall be permitted in any front yard area of the property.

ARTICLE 12 CHICKENS

4-11-1200 LIMITATION ON NUMBER

Up to four chickens may be kept on parcels with an area of ** square feet or larger. Chickens may be kept on parcels of less than ** square feet with an Animal Permit. Up to 10 chickens may be kept on a parcel with an Animal Permit, but in no case may more than 10 chickens be kept on any single parcel. No roosters are to be kept on the property.

4-11-1205 KEEPING OF CHICKENS

Chickens shall be kept outside in the rear yard, in a fenced area, and must be provided with a coop. They may not roam in any area outside the fenced rear yard. The total area of all chicken coops on a lot may not exceed 60 square feet. No single coop, or combination of coops, shall exceed 7 feet in height. No coop 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. Cages shall remain stationary in the back yard. Chicken coops must comply with all other applicable cage and enclosure requirements of Section 4-11-1110.

ARTICLE 13 ANIMAL PERMIT

4-11-1305 PERMIT REQUIRED

(a) Permit required. An Animal Permit is required for the keeping of chickens on parcels smaller than ** square feet, and for the keeping of any animals in a manner that would otherwise exceed the limits or regulations set forth in the Municipal Code. Applicants for an Animal Permit shall provide a complete application form and a fee as set forth in the City's fee schedule for the required review and inspection. The permit will specify animals covered and number of animals permitted.

(b) Inspection. Prior to issuance of an Animal Permit, Animal Control Services shall conduct an inspection of the premises at any reasonable hour for inspection in order to make the following determinations, to the extent they are applicable to the particular animal:

(1) All applicable housing and care requirements set forth in Section 4-11-1110 are met.

(2) Adequate fencing exists. Depending on the animals and the specific features of the lot, additional fencing can be mandated as a prerequisite to Animal Permit approval in order to ensure the safety of both the animals and the public.

(c) Required Findings. In order to grant the Animal Permit, the following additional findings must be made:

(1) The keeping of the animals at the location specified in the application will not violate any ordinance or other City or State regulations.

(2) 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.

(3) The premises and housing where the animal(s) will be kept are in clean and sanitary condition, and the animal(s) will not be subject to suffering, neglect, cruelty or abuse.

(d) Mediation. Upon receipt of a nuisance complaint regarding the holder of an Animal Permit, Animal Control Services may require the complainant(s) to mediate with the Animal Permit holder as a precondition of investigation, citation and abatement of the nuisance. Such cases may be referred to the Alameda County Mediation Program. 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.

(e) Renewal of Permit. Every two years a renewal permit shall be obtained by a holder of an Animal Permit. The fee for the issuance of a permit and each renewal permit shall be established by City Council resolution, and the renewal permit fee is due and payable each year on the anniversary of the date of the issuance of the initial permit. The renewal fee shall become delinquent 30 days after it becomes due and payable, and upon delinquency, an additional delinquent fee established by resolution of the City Council may be added to the succeeding year's renewal fee.

(f) Inspection of Permit. Animal Permits issued pursuant to the provisions of this Chapter shall be surrendered for inspection by the permit holder upon the request of the Animal Control Director or an Animal Control Officer.

(g) Additional Inspections. The premises on which an animal is maintained pursuant to an Animal Permit shall be open at any reasonable hour for inspection by the Animal Control Director or his or her designee.

**ARTICLE 14
BEEKEEPING**

**4-11-1400
BEEKEEPING PERMIT**

A beekeeping permit is required for the keeping of any number of hives on any lot or parcel of land within the City.

**4-11-1405
INSPECTION AND CONDITIONS OF BEEKEEPING PERMIT**

(a) Inspection. Prior to issuance of a beekeeping permit, Animal Control Services shall conduct an inspection of the premises.

(b) Conditions. The beekeeping permit applicant must be able to demonstrate compliance with the following conditions:

(1) No hive shall be kept or maintained on any parcel of less than 6,000 square feet.

(2) No more than three hives shall be maintained on any property or parcel of land.

(3) The owner's name, address, and location of all such hives shall be registered with Animal Control Services.

(4) Hives shall be located in the rear of the property of the applicant and no less than 5 feet from any side or rear lot lines. No hives shall be located in any front yard area of the property.

(5) Hives must be situated more than fifty feet from any existing dwelling or any proposed dwelling for which a building permit has been issued.

(6) 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, located no farther than thirty feet from such hives, that is not less than six feet in height and no more than the height specifically approved with the beekeeping permit application to comply with zoning regulations. Said fence may be open on the side facing a house or building on the premises.

(7) 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. Running water is ideal, however a pond or fountain, or similar meet the requirements of the code.

(c) Required Finding. The Animal Control Officer reviewing the permit application shall find that the hives will not cause unreasonable disturbance to the health or safety of residents occupying properties adjoining the property or parcel before permit issuance.

(d) Personal Permit. Beekeeping permits shall be personal to the applicant and shall not run with the land.

(e) Renewal Permit. Every two years, a renewal permit shall be obtained by a holder of a beekeeping permit. The fee for the issuance of a permit and a renewal permit shall be established by City Council resolution, and the renewal permit fee is due and payable each year on the second anniversary of the date of the issuance of the initial permit. The renewal fee shall become delinquent 30 days after it becomes due and payable, and upon delinquency, an additional delinquent fee established by resolution of the City Council may be added to the succeeding year's renewal fee.

(f) Inspection of Permit. Beekeeping permits issued pursuant to the provisions of this Chapter shall be surrendered for inspection by the permit holder upon the request of the Animal Control Director or an Animal Control Officer.

(g) Additional Inspections. The premises on which bees are maintained pursuant to a beekeeping permit shall be open at any reasonable hour for inspection by the Animal Control Director or his or her designee.

ARTICLE 15 MISCELLANEOUS

4-11-1500 APPEALS

Persons aggrieved by determinations of Animal Control Officers or the Animal Control Director made pursuant to this Chapter may appeal such determination to the City Manager within fifteen (15) days from the date of such determination. Decisions of the City Manager, or his or her designee for these purposes, shall be final.

4-11-1505 RULES AND REGULATIONS

The Animal Control Director may formulate rules and regulations in conformity with, and for the purpose of carrying out the intent of this Chapter. Compliance with such rules and regulations shall be a prerequisite to the issuance and continued validity of any permit provided for in this Chapter.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 6. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

2056735.5



City of San Leandro

Meeting Date: September 3, 2013

Resolution - Council

File Number: 13-428

Agenda Section: ACTION ITEMS

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Sandra Spagnoli
Chief of Police

FINANCE REVIEW: Not Applicable

TITLE: ADOPT: Resolution Amending Section 6.4.100 of the San Leandro Administrative Code Establishing Fees for Animal Permits, Beekeeping Permits and Renewals (establishes \$15 fee for permits and renewals every two years)

The City Council of the City of San Leandro does RESOLVE as follows:

1. That Title 6, Chapter 4, Section 6.4.100 of the San Leandro Administrative Code ("Fee Schedule") is hereby amended as follows:

10. D. ANIMAL PERMITS

<u>Permit</u>	<u>Fee</u>
Animal Permit (New-Includes changes to permit)	\$15.00
Animal Permit (Renewal)	\$15.00
Beekeeping Permit (New)	\$15.00
Beekeeping Permit (Renewal)	\$15.00

2. That the provisions of the Fee Schedule as amended shall take effect when the ordinance establishing said permits takes effect.