

February 5, 2019

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: Receive and file copy of notice of proposed rulemaking and proposed regulations for rooster keeping to implement the provisions of Ventura County Ordinance No. 4535.

Recommendation:

That your Board receive and file the attached notice of proposed rulemaking and proposed regulations to implement the provisions of Ventura County Ordinance no. 4535, adopted December 11, 2018, and codified at Ventura County Ordinance Code sections 4494.1 through 4494.5.

Discussion:

Attached for your Board's and the public's information are the notice of proposed rulemaking and proposed regulations prepared by the Interim Director of Ventura County Animal Services for rooster keeping in conformance with the provisions of sections 4494.1 through 4494.5 of the Ventura County Ordinance Code. Members of the public and interested parties are invited to comment on these proposed regulations, by no later than March 7, 2019, by sending comments to the attention of Donna Gillesby, Interim Director of Ventura County Animal Services, at the following email address: Donna.Gillesby@ventura.org.


Donna Gillesby
Interim Director
Ventura County Animal Services

Attachments

Exhibit 1 - Notice of Proposed Rulemaking
Exhibit 2 – Proposed Regulations for Rooster Keeping (and internal Exhibit A, Application Form)

EXHIBIT 1

NOTICE OF PROPOSED RULEMAKING

REGARDING

REGULATIONS FOR ROOSTER KEEPING IN CONFORMANCE WITH THE REQUIREMENTS OF ARTICLE 9, SECTIONS 4494.1 THROUGH 4494.5, OF CHAPTER 4 – ANIMALS, OF DIVISION 4 – PUBLIC HEALTH, OF THE VENTURA COUNTY ORDINANCE CODE

Noticed published: February 5, 2019

NOTICE IS HEREBY GIVEN that the Interim Director of Ventura County Animal Services proposes to adopt the attached regulations for rooster keeping pursuant to Ventura County Ordinance No. 4535, adopted December 11, 2018, and codified at Ventura County Ordinance Code sections 4494.1 through 4494.5, after consideration of all comments, objections, and recommendations regarding the proposed action. The Interim Director of Ventura County Animal Services will adopt permanent regulations after considerations of all comments, objections and recommendations.

PURPOSE OF PROPOSED RULEMAKING

To create a standard procedure for written application, inspection of applicant premises, and issuance of permits for the keeping of roosters by 4-H, FFA, and legitimate poultry hobbyist applicants within the unincorporated areas of Ventura County in accordance with the criteria of Article 9 - Roosters, of Chapter 4 - Animals, of Division 4 – Public Health of the Ventura County Ordinance Code, sections 4494.1 through 4494.5. All approved eligible applicants shall receive written approval in the form of a rooster keeping permit issued by the Ventura County Animal Services Director, or his or her designee, to keep up to 5 roosters of the same breed for a maximum of up to 25 roosters per parcel. All other persons are eligible to keep a maximum of 4 roosters per parcel, subject to zoning limits on the number of animals per parcel.

WRITTEN COMMENT PERIOD

Any person or their authorized representative may submit written comments, objections and recommendations to Donna Gillesby, Interim Director, Ventura County Animal Services, via e-mail to the following address: Donna.Gillesby@ventura.org. The proposed regulation may be found at: www.vcas.us

The written comment period closes at 5:00 p.m. on March 7, 2019. The Interim Director of Ventura County Animal Services will only consider comments, objections and recommendations received by that date.

EXHIBIT 2

PROPOSED REGULATIONS FOR ROOSTER KEEPING IN CONFORMANCE WITH THE REQUIREMENTS OF ARTICLE 9, SECTIONS 4494.1 THROUGH 4494.5, OF CHAPTER 4 – ANIMALS, OF DIVISION 4 – PUBLIC HEALTH, OF THE VENTURA COUNTY ORDINANCE CODE

- A. AUTHORITY FOR PROMULGATION OF REGULATIONS
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- A. AUTHORITY FOR PROMULGATION OF REGULATIONS

Ventura County Ordinance Code section 4494.3, subdivision (g).

- B. PURPOSE

To create a standard procedure for written application, inspection of applicant premises, and issuance of permits for the keeping of roosters within the unincorporated areas of Ventura County in accordance with the criteria of Article 9 - Roosters, of Chapter 4 - Animals, of Division 4 – Public Health of the Ventura County Ordinance Code, sections 4494.1 through 4494.5. All approved eligible applicants shall receive written approval in the form of a rooster keeping permit issued by the Ventura County Animal Services Director, or his or her designee, to keep up to 5 roosters of the same breed for a maximum of up to 25 roosters per parcel. All other persons are eligible to keep a maximum of 4 roosters per parcel, subject to zoning limits on the number of animals per parcel.

- C. FINDINGS

These regulations are premised on the following findings:

1. Excessive crowding of roosters creates a public noise and odor nuisance.
2. There is a public interest in combatting the crime of cockfighting, including limiting the supply of roosters.
3. Cockfighting operations represent a threat to the health and welfare of fowl in legitimate enterprises and create a public nuisance.
4. The public interest and County of Ventura policy support the reasonable use of property and legitimate agricultural operations and education.
5. A limitation on the number of roosters that may be kept on a parcel helps to prevent the inhumane treatment of roosters by persons who engage in illegal cockfighting.
6. The prevention of illegal cockfighting protects the health and safety of the residents of Ventura County.

D. COMPLIANCE WITH OTHER LAWS AND REGULATIONS

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

E. DEFINITIONS

1. "Legitimate poultry hobbyist" means a person who owns and breeds poultry for exhibition or sale of offspring in accordance with accepted poultry raising practices.
2. "Parcel" means an area of land having fixed boundaries depicted on or described by a tentative map, final map, parcel map or instrument of conveyance for the purpose of defining land to be held, actually or potentially, in fee title as a discrete unit, or a permit area as determined by the Ventura County Planning Director. Licenses, easements, and streets, alleys and similar rights-of-way are not parcels.
3. "Person" means any natural person, firm, corporation, organization, company, association, business, trust, joint-stock organization, partnership, joint venture, or club, or the agent, servant, manager, officer, employee or lessee of any of them.
4. "Rooster" or "Cock" means any male chicken that is six months old or older, or has full adult plumage, or is capable of crowing.

F. ELIGIBILITY FOR ROOSTER KEEPING PERMIT

1. Permits may allow an eligible applicant to keep up to 5 roosters of the same breed for a maximum of up to 25 roosters per parcel. Only persons engaged in a Future Farmers of America (FFA) sponsored project involving roosters, persons engaged a 4-H sponsored project involving roosters, or legitimate poultry hobbyists are eligible to apply for a rooster keeping permit issued by the Ventura County Director of Animal Services, or his or her designee, to keep up to 5 roosters of the same breed for a maximum of up to 25 roosters per parcel.
2. All other persons are eligible to keep a maximum of 4 roosters per parcel, subject to zoning limits on the number of animals per parcel.

G. APPLICATION PROCESS

1. All FFA, 4-H, and legitimate poultry hobbyist applicants shall fill out a written application for a rooster keeping permit on a form approved by the Director of Animal Services and submit the application to Ventura County Animal Services. A copy of the approved written application form is attached in Exhibit A.
2. Each application for a rooster keeping permit shall be required to be signed under penalty of perjury under the laws of the state of California. Applications submitted on behalf of persons under 18 years of age, shall be signed by a parent or legal guardian.
3. A completed and signed application shall be submitted to Ventura County Animal Services along with payment of the application fee for a rooster keeping permit, in an amount approved by resolution of the Ventura County Board of Supervisors.
4. All applicants shall submit the following documentary proof of eligibility with their completed and signed application.
 - a. Applicants with 4-H and FFA projects must demonstrate that rooster keeping is part of a student project which is accounted for in a project record book. All project roosters must be identified by a leg band, wing band or cage band. 4H advisors or agricultural teachers may be contacted by Ventura County Animal

Services to verify that the applicant is involved in an approved project involving roosters.

- b. Legitimate poultry hobbyists must demonstrate a legitimate use of the birds for which the rooster keeping permit is requested under i or ii below:
 - i. A small agricultural enterprise such as fertile egg production, or a purebred breeding operation.
 - ii. An operation geared to the legitimate exhibition (showing) of poultry. To demonstrate eligibility, the hobbyist must be a member of a recognized, multi-breed poultry club, and exhibit birds in shows open to the public, which feature birds from more than one class as defined in the American Poultry Association Standard of Perfection (such as Asiatic, Continental, American, or English).
5. To the extent practicable, applications will be reviewed and determined by the assigned animal control officer or staff member of Ventura County Animal Services within 10 business days after being received by Ventura County Animal Services.
6. If the application received is incomplete, or more information is needed to determine whether a rooster keeping permit can be issued, Ventura County Animal Services shall reject the application, and return the application to the applicant with a letter stating the reason for rejection.
7. At any time during the application review process, Ventura County Animal Services may request further documentation from the applicant to proceed with the permit review and approval process.
8. All approved and denied applications shall be preserved by the assigned animal control officer in Ventura County Animal Services records for a period of no less than 5 years.

H. INSPECTION PROCESS

1. Every parcel identified on an application must be inspected by an animal control officer prior to approving an application. The assigned animal control officer will contact the applicant to make an appointment for on-site inspection.
2. The assigned officer conducting an inspection will wear personal protective equipment as necessary to protect the officer's health and the health of the birds.
3. No more than one parcel shall be inspected by the same officer within a 24-hour period to minimize the spread of disease. Should there be multiple applications pending for inspection, the assigned officer will schedule one inspection per day at least 24 hours apart.
4. Inspecting officers shall inspect to ensure that the following requirements are met for each parcel at issue:
 - a. Rooster enclosures shall have a minimum set back from adjacent residences of 40 feet.
 - b. At all times, roosters shall have access to fresh food and water.
 - c. Enclosures are or shall be constructed in a manner that protects the rooster from wind, rain, direct sun, etc. All structures shall be compliant with local building laws.

- d. Roosters shall have sufficient room to spread both their wings fully and to be able to turn in a complete circle without any impediment and without touching the side of the enclosure.
 - e. All premises shall be clean and sanitary and kept in good repair.
 - f. No person shall maintain or control any rooster by means of a tether attached to an object.
 - g. At no time shall roosters be housed in a manner so that they are individually caged, tethered or restrained to provoke calls, aggression displays, crowing or other enhancements to their "gameness." If roosters are individually housed, it shall be in a manner to reduce to a minimum such provocations and the related noise nuisance created.
5. The inspecting officer shall inspect the entire parcel to ensure that all birds are accounted for.
 6. If evidence of cockfighting or cockfighting paraphernalia is found during an inspection, the inspecting officer shall notify the Ventura County Sheriff's Office, the Ventura County Agricultural Commissioner and the Animal Services Director.
 7. Should the inspecting officer require improvements be made to a parcel prior to permit approval, the officer will transmit a written description of the required improvements to the application along with a deadline for completing the improvements. The inspecting officer will determine a date to recheck the parcel to complete the approval process.
 8. For applications requiring more than one parcel inspection by an animal control officer, the applicant shall be required to pay any additional inspection fee approved by resolution of the Ventura County Board of Supervisors.
- I. PERMITS
1. Permits may allow an applicant to keep up to 5 roosters of the same breed for a maximum of up to 25 roosters per parcel. However, the specific maximum number of roosters that will be allowed to be kept (within the potential maximum of 25 roosters) pursuant to a rooster keeping permit will be determined by the Ventura County Animal Services Director, or his or her designee, after inspection according to factors related to public health, welfare and safety including, but not limited to, zoning limits on the number of animals per parcel, parcel size, proximity to neighbors, odor and noise nuisance posed to neighbors, and sanitation and the ability to meet animal care standards set forth in Ventura County Ordinance Code section 4494.3. The number and breed of roosters allowed will be listed in the permit.
 2. All permits issued pursuant to Ventura County Ordinance Code section 4494.3 shall be available for inspection upon the request of any employee of Ventura County Animal Services, any employee of the Ventura County Agricultural Commissioner, the Ventura County Sheriff, or any person authorized to act on behalf of the Ventura County Sheriff in the enforcement of the provisions of the Ventura County Ordinance Code.
 3. Permits shall include: the name of the applicant, the address of the applicant, the street address where the birds are residing, the assessor's parcel number for the parcel where the birds are residing, the number of the roosters allowed per breed per parcel, a unique permit number, the date the permit was issued, the date the permit expires, identification

of Ventura County Animal Services as the permit issuing entity, along with a copy of the logo unique to Ventura County Animal Services.

4. Permits shall be valid for no more than one year from date of issuance.
5. A duplicate copy of every permit issued shall be preserved by the assigned animal control officer in Ventura County Animal Services records for a period of no less than 5 years.
6. Each individual rooster beyond the rooster limit set forth in a rooster keeping permit constitutes a separate violation of the permit and of Ventura County Ordinance Code section 4494.3.
7. Ventura County Animal Services reserves the right to revoke a permit at any time for noncompliance by a permittee, a parcel owner, or any person occupying or leasing a parcel with: the terms of an applicable rooster keeping permit, Ventura County Animal Services regulations for rooster keeping, or Ventura County Ordinance Code sections 4494.3 or 4494.4.
8. Ventura County Animal Services reserves the right to deny renewal of any permit for noncompliance by a permittee, a parcel owner, or any person occupying or leasing a parcel with: the terms of an applicable rooster keeping permit, with, Ventura County Animal Services regulations for rooster keeping, or Ventura County Ordinance Code sections 4494.3 or 4494.4.
9. Any permittee, parcel owner, or person occupying or leasing any parcel premises, who violates Ventura County Ordinance Code sections 4494.3 or 4494.4, after permit approval may be subject to a misdemeanor/infraction pursuant to Ventura County Ordinance Code section 4494.5.

J. FEES

Fees for processing rooster keeping permits and related inspection are established by resolution of the Ventura County Board of Supervisors.*

Exhibit A – Application for Rooster Keeping Permit Under Ventura County Rooster Keeping Ordinance

***The Ventura County Board of Supervisors has adopted a full cost recovery policy but also has a long-established practice of waivers or credits of fees for solely youth-oriented non-profit organizations. Ventura County Animal Services will be seeking full cost recovery fees, except where the Board of Supervisors has authorized the waiver or credit of fees for youth educational projects.**

EXHIBIT A



APPLICATION FOR ROOSTER KEEPING PERMIT UNDER VENTURA COUNTY ROOSTER KEEPING ORDINANCE

Office Use Only	
Fees: _____	Inspection Date(s): _____
Permit No: _____	
Date Permit Issued: _____	

APPLICANT INFORMATION

Name: _____		
Date of Birth: _____	E-mail: _____	Phone: _____
Current Address: _____		
City: _____	State: _____	Zip Code: _____
Own Rent (please circle)		

LANDOWNER INFORMATION WHERE ROOSTERS KEPT

Name: _____	Assessor's Parcel No: _____	Size of Parcel: _____
Phone: _____	E-mail: _____	Fax: _____
City: _____	State: _____	Zip Code: _____

FOWL INFORMATION

Total number of all fowl on premises (excluding roosters), including chickens, ducks, geese, guineas, ratites: _____	
Total number of roosters: _____	Breed(s) of roosters: _____
List species of fowl other than chickens: _____	

COMPLIANCE WITH VENTURA COUNTY ORDINANCE CODE AND RELATED REGULATIONS

I have received Ordinance Code sections 4494.1 through 4494.5, and regulations and I believe I comply with the standards therein. Yes <input type="checkbox"/> No <input type="checkbox"/>	
If yes, initial each: 40 ft. setback <input type="checkbox"/> Constant access to food/water <input type="checkbox"/>	If no, explain below: _____
Enclosure protects from elements <input type="checkbox"/> Premises clean and sanitary <input type="checkbox"/>	
Can spread wings & turn <input type="checkbox"/> No tethering <input type="checkbox"/> No provocation of aggression <input type="checkbox"/>	

EDUCATIONAL REQUEST FOR PERMIT

4 H and FFA Applicants complete below		
Teacher/Leader name: _____	Project Length: _____	
Chapter/School name: _____		
Contact address: _____		
City: _____	State: _____	Zip Code: _____
Phone: _____	E-Mail: _____	Fax: _____

HOBBYIST REQUEST FOR PERMIT

Please describe the operation proposed, attach additional sheets as necessary. Photocopies of documents such as breed association memberships, show entries and results, etc., supporting the request should be submitted.

SIGNATURE

I certify under penalty of perjury under the laws of the state of California, that the statements contained on this application are true and correct.	
Signature of Applicant/ Signature of Applicant's parent or legal guardian required if Applicant is under 18 years of age: _____	Date: _____