

ORDINANCE NUMBER O- 20138 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 22 2012

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 2, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 42.0708 AND 42.0709 AND REPEALING SECTION 42.0713, ALL RELATING TO THE KEEPING OF CHICKENS

WHEREAS, Healthy Works, a program administered by the County of San Diego Health and Human Services Agency and funded by the American Recovery and Reinvestment Act of 2009, awards grants to combat rising obesity rates in the San Diego region by planning communities in ways that support increased physical activity and access to healthy foods; and

WHEREAS, the City of San Diego has been awarded a grant of \$50,000 to increase access to healthy foods pursuant to Municipal Code and General Plan amendments to support urban agriculture; and

WHEREAS, on July 20, 2011, the Land Use and Housing Committee of the City Council of the City of San Diego held a hearing on the subject of urban agriculture and requested that staff address specific items and return with proposed amendments to the City of San Diego Municipal Code to increase access to healthy, local and sustainable food by expanding the opportunities for community gardens; and

WHEREAS, on October 5, 2011, staff returned to the Land Use and Housing Committee with proposed amendments to the City of San Diego Municipal Code; and

WHEREAS, on December 15, 2011, the Planning Commission of the City of San Diego recommended that the City Council of the City of San Diego adopt the proposed amendments to

the San Diego Municipal Code to ease restrictions on the keeping of chickens; NOW,  
THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego as follows:

Section 1. That Chapter 4, Article 2, Division 7 of the San Diego Municipal Code is amended by amending sections 42.0708 and 42.0709, and repealing section 42.0713, to read as follows:

**§42.0708 Fowl, Rabbits, Racing and Homing Pigeons and Fancy Pigeon Regulated**

Health Regulated Businesses shall include the keeping or maintenance of more than:

- (a) Twenty-five fowl and rabbits; or
- (b) 100 racing or homing or fancy pigeons; or
- (c) Any combination of (a) and (b) which exceeds 100.

**§42.0709 Fowl, Rabbits, Racing or Homing Pigeons or Fancy Pigeons, Maintenance—  
Regulations and Exceptions**

- (a) No fowl or rabbits shall be kept or maintained within fifty feet of any building used for residential purposes, except as may be permitted in section 42.0709(e) .
- (b) [No change in text.]
- (c) All fowl, rabbit or racing or homing or fancy pigeon droppings and food scraps shall be properly disposed of at least once a week or more frequently if, in the opinion of the Director of Public Health, it is necessary to prevent an unsanitary condition.
- (d) [No change in text.]

(e) Keeping or maintaining chickens located on a premises zoned for a single dwelling unit, developed with a single dwelling unit, developed with a community garden in accordance with section 141.0203, or developed with a retail farm in accordance with section 141.0505, is subject to the following requirements, except that section 42.0709(e) shall not apply to single dwelling units located in agriculture base zones.

(1) No rooster shall be permitted on the premises.

(2) The number of chickens permitted and the location of the chicken coop are as follows:

(A) Up to five chickens may be kept on a premises, provided that the coop is located outside of all required setbacks as established by Chapter 13, Article 1 of this Code;

(B) Up to fifteen chickens may be kept on a premises, provided that the coop is located outside of all required setbacks, as established by Chapter 13, Article 1 of this Code, or 15 feet from the property line, whichever is greater; and

(C) Up to twenty-five chickens may be kept on a premises, provided that the coop and the enclosure are a minimum of 50 feet from any structure used for residential purposes.

(3) All chickens shall be housed in coop that is designed to be:

(A) Predator proof;

(B) Thoroughly ventilated;

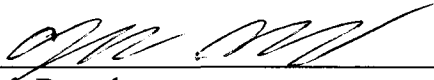
(C) Watertight;

- (D) Easily accessed and cleaned; and
  - (E) A minimum of six square feet of area per chicken.
- (4) Direct access from the coop to an outdoor enclosure shall be provided with the outdoor enclosure designed to be:
- (A) Predator proof;
  - (B) Easily accessed and cleaned;
  - (C) Fenced to contain the chickens; and
  - (D) A minimum of ten square feet of ground area per chicken.
- (f) Nothing contained in this section shall be deemed or construed to prohibit the keeping of fowl, rabbits, or racing, homing, or fancy pigeons:
- (1) In a coop, box or run located and kept within a schoolhouse, museum or zoo for the purpose of study or observation;
  - (2) In a coop, box or run located and kept within a physician's office or laboratory, for medical research, medical treatment or scientific purposes;
  - (3) On premises zoned for AG-1-1, AG-1-2, AR-1-1, AR-1-2, IL-3-1, and IH-2-1;
  - (4) On premises where the fowl, rabbits, or racing, homing, or fancy pigeons are sold in the ordinary and customary course of business, and are not raised, bred or grown on such premises.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

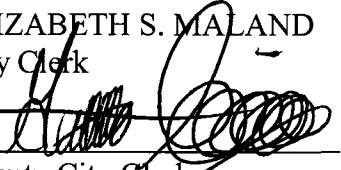
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Keith Bauerle  
Deputy City Attorney

KB:hm  
01/17/2012  
Or.Dept:DSD  
Document No. 306072

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 14 2012.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 2.22.12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor