

## CHAPTER 4.1

### KEEPING OF ROOSTERS

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#### **Sec. 4.100. Purpose**

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

(Ord. No. 1719, §1)

#### **Sec. 4.110. Definitions**

The following terms are defined for purposes of this chapter:

- (a) Rooster means any male chicken who is:
  - (1) Six months or older; or
  - (2) Has full adult plumage; or
  - (3) Capable of crowing.
- (b) Law enforcement officer means the Sheriff or any person authorized to act on his or her behalf in the enforcement of this chapter.
- (c) Public office means the Agricultural Commissioner or any person authorized to act on his or her behalf in the enforcement of this chapter and the Animal Care Manager or any person authorized to act on behalf of Animal Care Services in the enforcement of this chapter.

(Ord. No. 1719, §1)

#### **Sec. 4.120. Rooster keeping**

- (a) No person shall keep, maintain or harbor five or more roosters on any property within unincorporated Solano County. 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 or any person authorized to act on his or her behalf.

(b) The limit imposed under subdivision (a) is suspended until September 1, 2011, to allow a property owner and any person occupying or leasing the property or the property of another reasonable time to reduce the number of roosters kept on their property.

(c) Each individual bird beyond the four rooster limitation constitutes a separate violation.

(d) Rooster enclosures shall have a minimum set back from adjacent residences of 50 feet.

(e) 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.

(f) 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.

(g) The Agricultural Commissioner may establish written regulations and 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 or the property of another 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.

(Ord. No. 1719, §1)

**Sec. 4.130. 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 bird so tethered constitutes a separate violation.

(Ord. No. 1719, §1)

**Sec. 4.140. Violations and penalties**

(a) Any law enforcement officer or public officer may issue a Notice to Appear Citation to the property owner and any person occupying or leasing the property or premises of another for violation of this chapter.

(b) A property owner and any person occupying or leasing the property or premises of another, who violates any provision of this chapter is guilty of an infraction. Each day, or any portion, a violation exists may be a new and separate offense. The first three violations on the same property within one year may be considered infractions and may be punished as follows:

(1) For conviction of the first citation, a fine of up to one hundred (\$100.00) dollars for each violation, plus any additional penalties assessed by the court;

(2) For conviction of the second citation, a fine of up to two hundred (\$200.00) dollars for each violation, plus any additional penalties assessed by the court;

(3) For conviction of the third citation, a fine of up to five hundred (\$500.00) dollars for each violation, plus any additional penalties assessed by the court. [Government Code section 25132.]

(c) If the number of convictions of this chapter on the same property exceeds three, the property owner and any person occupying or leasing the property or premises of another is guilty of a misdemeanor and may be punished as follows:

(1) By a fine of not more than five hundred (\$500.00) dollars;

(2) By imprisonment in the County jail for a term of not more than six (6) months; or

(3) By both such fine and imprisonment.

(d) Notwithstanding subdivisions (a), (b) and (c), the District Attorney may file a misdemeanor for any violation of this chapter. In addition, the County Counsel may seek any legal or equitable relief as permitted under law.

(Ord. No. 1719, §1)