

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Strike Out~~
NEW LANGUAGE: Underlined

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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

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

Health ~~R~~regulated ~~B~~businesses shall include the keeping or maintenance of more than:

- (a) ~~¶~~Twenty-five ~~(25)~~ fowl and rabbits; or
- (b) 100 racing or homing or fancy pigeons; or
- (c) ~~a~~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 (50) 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 ~~removed from the premises~~ 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 person shall keep or maintain in a residential zone more than:
- (1) Twenty-five ~~(25)~~ fowl and rabbits; or
 - (2) ~~One hundred (100)~~ racing or homing or fancy pigeons; or
 - (3) Any combination of (1) and (2) ~~which~~ that exceeds 100.
- (e) ~~Nothing contained in this section shall be deemed or construed to prohibit the keeping of fowl, rabbits or racing or homing or fancy pigeons;~~ 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) ~~In a coop, box or run located and kept within a schoolhouse, museum or zoo for the purpose of study or observation;~~ No rooster shall be permitted on the premises.
 - (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;~~ 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 outdoor enclosure are a minimum of 50 feet from any structure used for residential purposes.
- (3) ~~On premises zoned for A1-1, A1-5, A1-10, M1-A, M1, M2-A and M2;~~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) ~~On premises where the fowl, rabbits or racing or homing or fancy pigeons are sold in the ordinary and customary course of business, and are not raised, bred or grown on such premises.~~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 as follows:
- (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.

§42.0713 — Special Permits

~~Special permits may be granted for the maintenance of animals and poultry not in strict conformity with the provisions of this Division, if the Director of Public Health makes a finding that because of soil, drainage, prevailing winds, absence of insect life, unusually effective sanitation measures, population density in the area, innocuousness of the animal or poultry involved, or like conditions, the~~

~~public health and welfare will not be endangered thereby and such animals or
poultry shall be kept in a manner consistent with the conditions, if any, imposed
in such special permit and within the scope thereof.~~

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