

ORDINANCE NO. 04508
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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AN ORDINANCE AMENDING SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX), DIVISION VI, PART ONE, ADDING SECTION 6401.1.1, THE KEEPING OF DOMESTIC POULTRY IN RESIDENTIALLY ZONED DISTRICTS AS AN ALLOWABLE USE IN THE UNINCORPORATED AREAS OF SAN MATEO COUNTY

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows

SECTION 1. The Board of Supervisors of the County of San Mateo declares the following:

- A. Some owners of property within R-1, R-2, RE and RH zoned districts in the unincorporated area of the County desire to keep domestic poultry on such R-zoned property and the keeping of domestic poultry may enhance the quality of life on property in these zoning districts. Further, the keeping of domestic poultry allows individuals an opportunity to provide a local and sustainable food source for their families.
- B. However, in order to ensure that the keeping of such domestic poultry does not result in public or private nuisances or other substantial negative impacts to the community, it is necessary that the keeping of domestic poultry in these R-zoned districts be made subject to the regulations contained in this ordinance.

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SECTION 2. San Mateo County Ordinance Code, Division VI, Part One, Section 6401.1.1 is hereby added to read as follows:

SECTION 6401.1.1. PROVISIONS FOR THE KEEPING OF DOMESTIC POULTRY IN RESIDENTIALLY ZONED DISTRICTS

(a) Definitions

For the purposes of this Section of the San Mateo County Ordinance Code, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

1. "At large," as used in the context of "running at large," means outside of a yard and not within the immediate possession or control of some person.
2. "Coop" means a cage, warren, cote, or similar enclosure which is roofed or which has an overhead covering of wire or other material that is used as or intended for use as a shelter for any domestic poultry. Such coop shall measure a maximum of 100 sq. ft., with a maximum height limit of 6 feet.
3. "Domestic poultry" includes only chickens and ducks and excludes geese, turkeys, peafowl, pigeons, doves and other fowl or birds typically used for food or food products. Roosters are prohibited.
4. "Keep" means to possess, house, enclose, harbor, maintain or permit to remain for any period of time.

5. "Nuisance" shall have the same meaning as set forth in State law, including but not limited to California Civil Code Section 3479, and includes anything that is injurious to health, or is indecent or offensive to the senses, so as to interfere with the comfortable enjoyment of life or property.
6. "Premises" means a parcel of land within unincorporated San Mateo County.
7. "Rooster" means a male chicken.
8. "Yard" means a unit of real property immediately surrounding or adjacent to a residential structure and completely enclosed by a fence, wall, building or similar barrier or a combination of such similar barriers.

(b) Prohibition of Keeping of Domestic Poultry

It is unlawful for any person or persons to keep, or cause to be kept within any residentially zoned district within unincorporated San Mateo County any live domestic poultry unless each of the requirements set forth in this Section of the County Ordinance Code has been met. Violation of this Section shall be an infraction.

(c) Location

All domestic poultry kept pursuant to this Section must at all times be kept within the confines of the yard and domestic poultry shall be housed in coops/runs no larger than 100 sq. ft. in size and a maximum height of 6 feet, which shall be

located on the rear half of the parcel and to setbacks pursuant to the accessory building regulations, Sections 6410 and 6411 of the San Mateo County Zoning Regulations. Such parcel shall be enclosed on the side and rear yards by a good and substantial fence of a height of at least six (6) feet. Nothing herein shall exempt any property owners from any regulations regarding the height or location of fences.

(d) Number of Domestic Poultry and Parcel Size

The minimum parcel size in a residentially zoned district for the keeping of domestic poultry is 2,500 sq. ft. On parcels that are at greater than 2,500 sq. ft., but less than 7,500 sq. ft. in size, a maximum of six (6) domestic poultry may be kept. On parcels that are at least 7,500 sq. ft. in size, a maximum of ten (10) domestic poultry may be kept.

(e) Roosters Prohibited

No roosters shall be kept within any residentially zoned district within the unincorporated area of San Mateo County.

(f) Sanitation

All yards, coops and runs for domestic poultry shall be kept in a sanitary condition and free from offensive odors and flies. Dead domestic poultry shall be kept in an insect-tight container and promptly removed from the premises (Title 4, Section 4.80.030 of the County Ordinance Code).

(g) Running at Large Prohibited

It is unlawful for domestic poultry to run at large within the unincorporated territory of San Mateo County and it shall be an infraction for any person to allow domestic poultry to run at large. Any domestic poultry found running at large may be impounded and disposed of in the manner provided for the impoundment and disposal of animals running at large in unincorporated San Mateo County (Title 6, Section 6.04.170 of the County Ordinance Code).

(h) Nuisance

Under no circumstances shall domestic poultry be permitted to create noise so as to disturb the peace of other members of the public. . Nothing in this Section shall bar or otherwise affect any person's right to bring an action to enjoin a nuisance. Compliance with the requirements in this Section shall not, in itself, constitute a defense to a claim of nuisance arising out or related to of the keeping of domestic poultry. Violation of this Section shall be considered an infraction. Violations will be referred to the Planning and Building Department's Code Compliance Section for review and abatement.

(i) Selling

It shall be unlawful for any person to display, sell or offer for sale, in any residentially zoned district, any chickens, ducks, or eggs of such domestic poultry.

(j) Slaughtering

The commercial slaughtering of poultry in non-agriculturally zoned areas is strictly prohibited.

SECTION 4. This Ordinance shall be effective thirty (30) days from the passage date thereof.

* * * * *

Regularly passed and adopted this 27th day of July, 2010.

AYES and in favor of said ordinance:

Supervisors:

MARK CHURCH

CAROLE GROOM

RICHARD S. GORDON

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

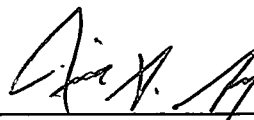
NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

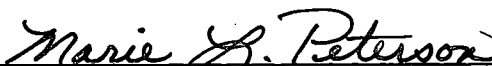
NONE



President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



Marie L. Peterson, Deputy
Clerk of the Board of Supervisors

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