

ORDINANCE NO. XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING MUNICIPAL CODE TITLE 17, ZONING, TO ALLOW THE KEEPING OF CHICKENS IN RESIDENTIAL ZONING DISTRICTS, AND TO ADD CHAPTER 6.06, DOMESTIC CHICKEN KEEPING, TO TITLE 6, ANIMALS, TO PROVIDE GENERAL REGULATIONS FOR CHICKEN KEEPING (MCA 2014-2)**

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**WHEREAS**, there has been growing community interest in raising chickens on residentially-zoned properties for pest control and non-commercial egg production; and

**WHEREAS**, this interest is consistent with an increased desire to produce food products locally and avoid such commercial egg-production practices as caging and antibiotics; and

**WHEREAS**, encouraging local food production is consistent with the goal of maintaining Calistoga as a rural town; and

**WHEREAS**, regulations are needed to avoid potential off-site negative impacts associated with chicken-keeping; and

**WHEREAS**, the Planning Commission reviewed the proposed amendments at a public hearing at its meeting of March 12, 2014, and after considering the public record, including the staff report, findings, and written materials and testimony presented by the public during the hearing, adopted PC Resolution 2014-8 forwarding a recommendation that the City Council approve the amendments included in this ordinance; and

**WHEREAS**, the City Council of the City of Calistoga reviewed and considered this ordinance at its meeting on April 1, 2014, noticed in accordance with state and local law, and which included the written and oral staff report, proposed findings, the Planning Commission's recommendation and comments received from the general public and interested agencies and parties.

**NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION ONE**

Findings. The above recitals are incorporated herein as if set forth herein in full and each is relied upon independently by the City Council for its adoption of this ordinance.

**SECTION TWO**

Title 17, Zoning, is hereby amended as follows:

1. A new subsection (5.) is added to Chapter 17.14, RR Rural Residential District, Section 17.14.020 C., Accessory buildings and uses, as follows:

5. *The keeping of up to six (6) domestic chickens, subject to the provisions of Chapter 6.06*
2. A new subsection (5.) is added to Chapter 17.16, R-1 and R-1-10 One-Family Residential Districts, Section 17.16.020 C., Allowed accessory building and uses, as follows:
  5. *The keeping of up to four (4) domestic chickens on a lot of 6,000 square feet or more, subject to the provisions of Chapter 6.06*
3. A new subsection (5.) is added to Chapter 17.18, R-2 Two-Family Residential District, Section 17.18.020 C., Allowed accessory building and uses, as follows:
  5. *The keeping of up to four (4) domestic chickens on a lot of 6,000 square feet or more that is developed with no more than one dwelling unit, subject to the provisions of Chapter 6.06*
4. A new subsection (5.) is added to Chapter 17.19, R-3 Multi-Family Residential/Office District, Section 17.19.020 C., Accessory building and uses, as follows:
  5. *The keeping of up to four (4) domestic chickens on a lot of 6,000 square feet or more that is developed with no more than one dwelling unit, subject to the provisions of Chapter 6.06*

### **SECTION THREE**

Chapter 6.06, Domestic Chicken Keeping, is hereby added to Title 6, Animals, as follows:

#### *Chapter 6.06*

#### *Domestic Chicken Keeping*

##### *6.06.010 Purpose*

*These regulations are intended to prescribe the conditions under which chickens may be kept on residentially-zoned properties in order to avoid off-site negative impacts.*

##### *6.06.020 Number and type*

*A. The maximum number of chickens that may be kept on a property shall be determined by the applicable zoning district.*

*B. Only hens may be kept. The keeping of roosters is prohibited.*

##### *6.06.030 Containment*

*Chickens shall be contained within the rear and/or side yards of the property.*

**6.06.040**     *Coops and pens*

**A.**     *Location*

1.     *Coops and pens shall be set back a minimum of five feet from side and rear interior property lines.*
2.     *Coops and pens shall be located at least 20 feet from any building on a neighboring property used or capable of being used for human habitation.*

**B.**     *Design and maintenance. Coops and pens shall be designed and constructed to securely contain the hens, and prevent rats and other vermin from being harbored underneath or within the enclosure.*

**C.**     *Maximum height. A coop may be no taller than eight feet in height.*

**D.**     *Building code compliance. A building permit shall be obtained for coop structures exceeding 120 square feet and/or when electricity or plumbing is installed.*

**E.**     *Lighting. Any lighting for a coop or pen shall not create off-site glare.*

**6.06.050**     *Ongoing maintenance and care*

**A.**     *Coops and pens shall be maintained in a clean and sanitary condition, and free of vermin, obnoxious smells, substances and noise.*

**B.**     *All feed and other items associated with hen keeping shall be managed to minimize contact with rodents.*

**SECTION FOUR**

Environmental Review. This action has been reviewed in accordance with the California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the “general rule” exemption. The City has determined that because it can be seen with certainty that there is no possibility that the ordinance will have an impact on the environment, it is therefore exempt from CEQA under the general rule.

**SECTION FIVE**

Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

**SECTION SIX**

Effective Date. This Ordinance shall take effect thirty (30) days after its passage and before the expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a newspaper of general circulation published and circulated in the City of Calistoga.

**THIS ORDINANCE** was introduced with the first reading waived at the City of Calistoga City of Council meeting of the **1st day of April, 2014**, and was passed and adopted at a regular meeting of the Calistoga City Council on the \_\_\_ day of \_\_\_\_\_ 2014, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
**CHRIS CANNING, Mayor**

**ATTEST:**

\_\_\_\_\_  
**KATHY FLAMSON, Deputy City Clerk**