



# Monterey County

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Board Report

File Number: 22-652

**Agenda Date:** 7/12/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** Board of Supervisors

**File Type:** General Agenda Item

Receive an oral update from the Monterey County Health Department's Animal Services Division staff regarding the County's Rooster Keeping enforcement efforts in calendar year 2021.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

Receive an oral update from the Monterey County Health Department's Animal Services Division staff regarding the County's Rooster Keeping enforcement efforts in calendar year 2021.

### SUMMARY/DISCUSSION:

The Monterey County Health Department, Animal Services Division staff will provide an oral presentation regarding its Rooster Keeping enforcement efforts in calendar year 2021.

On December 16, 2014, the Monterey County Board of Supervisors approved a county ordinance that defines a rooster keeping operation as one where five (5) or more roosters are kept on any single property within the unincorporated areas of Monterey County. On July 14, 2015, Monterey County Ordinance No. 5249 (Rooster Keeping Ordinance) went into effect, requiring permitting for rooster keeping operations where five (5) or more roosters are kept on any single property within the unincorporated areas of Monterey County. The purpose of this ordinance is to balance the legitimate interests of agricultural businesses and agricultural educational organizations, along with the prevention of rooster keeping that is unsanitary, environmentally damaging, inhumane, and conducive to illegal cockfighting. No rooster keeping operation can legally operate in the unincorporated areas of Monterey County without either a permit exemption or a permit.

### Exemptions:

This ordinance does not affect those that have less than five (5) roosters on any single property, and for those who have five or more roosters, there are limited exemptions:

- Poultry Operation - A poultry operation is primarily a business that raises poultry for meat or eggs.
- Poultry Hobbyist - A poultry hobbyist is typically a member of an organization that promotes breeding of poultry for exhibition or sale, or supports breeding as a hobby.
- Educational Purpose - The rooster keeping operation is conducted by minors and sponsored by public or private schools registered with the California Department of Education.
- FFA/4-H - The rooster keeping operation is conducted by minors and is part of a National Future Farmers of America (FFA) project or a University of California 4-H Youth Development Program (4-H) project.

The Animal Services Division provides the exemptions for Educational and FFA/4-H exemptions. The permit exemption application for a Poultry Operation or a Poultry Hobbyist is filed with the Monterey County Agricultural Commissioner's Office. Staff of the Agricultural Commissioner's Office will determine if the criteria for a Poultry Operation or a Poultry Hobbyist exemption are met.

Permit Process:

- The ordinance requires the Animal Services Division, or the Animal Control Officer (ACO), to work with other county departments:
- Housing and Community Development (HCD) (850.060(F)) regarding zoning and other laws and regulations.
- Agricultural Commissioner's Office (8.50.100 & 8.50.110(A), (B)) regarding poultry operation and hobbyist exemptions.
- In addition, the Animal Services Division may work with Environmental Health, Sheriff, SPCA for Monterey County, the District Attorney and County Counsel.

The process to apply for a permit requires a rooster keeper to submit an application with an application fee. In reviewing applications, Animal Services staff first checks for a completed application, which includes the fee, a manure/pest management plan, and a site map. Staff will then contact HCD to verify that the roosters are an allowable use on the property (i.e., zoning) and to confirm that there are no existing administrative or legal violations already attached to the property or in process.

Upon a completed and approved application and fee payment, appointments are made with an Animal Control Officer (ACO) to conduct a site investigation. The assigned ACO will review all roosters and rooster housing to ensure it is adequate and will document all findings. Upon successful inspection, a permit will be issued for one year and is to be renewed every year that roosters are kept on the site. It currently takes approximately 60 days to work through the permit process.

In 2016 and into 2017, there were approximately 20 permits issued throughout unincorporated Monterey County. Unfortunately, due to constraints within Animal Services, none of those permits were renewed and the program ran unenforced. In 2019 and into 2020, Animal Control Officer vacancies were filled, and training began. Animal Services updated forms both in English and Spanish and updated the website to provide guidance to the public on the process, in order to prepare for pending enforcement.

In addition to the updates, a Rooster Keeping Task Force was created to facilitate the gathering of information on a regular basis to between the various departments and agencies. The goals of the Task Force are to assist in the enforcement of Chapter 8.50 as it relates to safety, violations, exemption, allow for increased communication between various departments, both in and out of the County system and improve the quality of life of animals in our community, starting with roosters. The Task Force meets quarterly and includes staff from the Sheriff Department, Environmental Health, Housing and Community Development, Ag Commissioner, County Council, District Attorney, SPCA for Monterey County and District 2 Supervisor Office.

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In January 2021, Animal Services and County stakeholders, began pointed investigation and enforcement of the ordinance, and began meeting regularly to ensure proper implementation of the ordinance. Staff primary overseeing this program include first, an Office Assistant II who assists with the keeping of all permit program paperwork, fee payment and scheduling of investigations. This position also assists with questions via phone or in person. Many residents applying for a rooster permit are Spanish speaking and having this staff person able to assist has proven extremely helpful. Second, staff includes persons to handle field services meaning Animal Care Officers, two of whom are assigned to every inspection to assist both in site documentation and to provide back-up for officer safety purposes. Third, the Animal Services Supervisor provides overall programmatic oversight. All rooster keeping enforcement work is done in addition to other calls for service around the County and other permit program needs.

Sixty-six (66) initial permit applications were mailed out at the end of January 2021. By the end of calendar year 2021, over 168 addresses had been contacted regarding rooster permits, based on complaints or application requests. Overall, Animal Services has:

- Issued 11 rooster keeping permits (10 in North County and 1 in South County).
- Cleared over 60 addresses by verifying under five (5) roosters are kept at site.
- Issued 18 Cease and Desist Letters requiring compliance.
- Issued 15 citations for non-compliance.
- Continue to work over 65 cases in various application status.
- Received over 65 permit applications fees.

Investigated hundreds of properties in response to complaints relating to rooster keeping

Most permit applications and cases came from three (3) zip codes, which are 93906 (38), 93907 (51) and 95076 (33). South County (Chualar and south) cases were about 13% or 22 cases. There was one case in Carmel Valley. The majority of the calls in North County are similar to Animal Services field call numbers due to human population and lot size.

The low percentage of permits versus applications is primarily due to many rooster owners not being aware of actual zoning allowances for their properties. Frequently, they find out after they apply with Animal Services that rooster keeping is not an allowable use at their site, regardless of the rooster permit process, and must remove the roosters. Staff highly encourages rooster keepers, before they apply for a rooster keeping permit, to contact HCD to ensure their parcel is zoned to allow the roosters. Other reasons include incomplete applications, non-correction of bird housing or other below-standard conditions on the properties, or failure to correct HCD violations.

This work supports the Monterey County Health Department 2018-2022 Strategic Goal: 2. Enhance community health and safety by emphasizing prevention.

#### OTHER AGENCY INVOLVEMENT:

Animal Services works with the Agricultural Commissioner's Office and Housing and Community Development Office in the implementation of the ordinance. In addition, the Monterey County Sheriff's Office and SPCA for Monterey County are consulted with regularly.

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FINANCING:

There is no financial impact for this enforcement update.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Cindy Burnham, Animal Services Administrator, 769-8796

Approved by:

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Date: 6/29/2022 | 8:15 AM PDT  
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Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachment:

PowerPoint Presentation