**Rooster Keeping Operations**
(keeping of 5 or more roosters)

Amendment to Title 8 (Animal Control) of the Monterey County Code to add new defined terms to Chapter 8.04 and to add Chapter 8.50 to regulate rooster keeping operations
Outline of Presentation

* Background
* Rooster Keeping Operation Ordinance
* Permit Process
* Permit Requirements
* Exemptions
* Permit/Exemption Appeal process
* Records Maintenance
* Inspection Process
* Enforcement
* Public Outreach
Information Available For You This Evening

* Copy of Presentation
* Flow Chart
* Application form 100
* Exemption Form 110
* Exemption Form 120
* Sample Site Map
* Sample Manure Management Plan
* Sample Pest Management Plan
* Copy of Ordinance
**Prior efforts by the Monterey County Resource Management Agency (RMA) to establish a Rooster ordinance were based on noise and zoning requirements**

**Concerns were raised by Poultry Hobbyist, 4H, FFA and Poultry operations as to the components of the ordinance**
In August 2013 it was determined that the best approach in development of an ordinance would be through Monterey County Animal Services under Title 8 (Animal Control)

The new version of the ordinance would focus on environmental impacts and humane treatment of roosters and the elimination of tethering rather than the number of roosters on a property
Rooster Keeping Operations Ordinance

Title 8 (Animal Control) of the Monterey County Code (MCC) amended to include regulations for Rooster Keeping Operations of 5 or more Roosters on any single property within the unincorporated Monterey County

Note: This is not a noise ordinance. Noise is currently addressed in:

* Title 8, MCC (Animal Control)
* as a Nuisance complaint to the Sheriffs office
* or new Nighttime Noise Ordinance, Title 10, Chapter 10.6 MCC.
The ordinance establishes

1. Permit Application Requirements
2. Permit Denial/Appeal Process
3. Exemptions (no fee for exemption review by Animal Services or the Agricultural Commissioners office)
4. Permit Standards
5. Enforcement
Permit Process

- What are the requirements?
- How do I apply for a permit?
- How do I apply for an exemption?
Permit Process Flow Chart

Rooster Ordinance Permit Flow Chart

Start

Permit Application with Animal Services
Form 100

Application Approved?
(All required documents submitted)

Exemptions

Exemption Requested?
For 4H, FFa, or Student Form 110

Appeal to Board of Supervisors
**Title 122 MCC

No

Appeal Approved?

No

No

No

Exemption Approved?

No

Approved

Yes

Return Form to Animal Services

Agricultural Commissioner

Board of Supervisors Review Appeal

No

Yes

No

Exemption Appeal Approved?

No

Form 100

Non-Exempted Permit application required

Non-Permitted Not allowed to operate

If facility does not meet compliance requirements no permit will be issued. Compliance may be attained after non-compliance issues are mitigated.

If permit/exemption denied, violation notice sent to applicant who may then appeal to BOS.

1. Compliance inspection by Animal Control Officer
2. Permit Fee paid
3. Permit issued for one year by Animal Services
4. Facility now operational
Permit Application Flow Chart

Start

Permit Application with Animal Services
Form 100

Application Approved?
(All required documents submitted)

Yes

1. Compliance Inspection by Animal Control Officer
2. Permit Fee paid
3. Permit Issued for one year by Animal Services
4. Facility now operational

No

Exemptions

Appeal to Board of Supervisors
**Title 1.22 MCC

Appeal Approved?

Yes

Non-Permitted Not allowed to operate

No

***if facility does not meet compliance requirements no permit will be issued. Compliance may be attained after non-compliance issues are mitigated.

** If permit/exemption denied, violation notice sent to applicant who may then appeal to BOS.
Permit Requirements

Form 100

Permit Application for having 5 or more roosters. Application received and processed by Animal Services.
Permit Requirements

Application to Animal Control Officer (Form 100)
For properties with 5 or more Roosters

- Ordinance requires detailed facility & contact information, manure management plan and pest management plan, site map showing rooster pens

- Evidence of sole legal or equitable interest in property or written consent for the rooster keeping operation from property owner
Attestation of no criminal convictions of illegal cockfighting or other crime of animal cruelty in any state and/or that the roosters have not been and shall not be raised, sold for, or otherwise be made available for illegal cockfighting

Initial facility inspection to meet compliance with permit standards

Permit fee of $270 assessed if you pass the inspection

Permits are valid for one year and must be renewed annually
Permit Requirements
Manure Management Plan

Sample Manure Management Plan

1. All roosters and any pens/cages housing roosters will be prevented from unnecessary accumulation of manure that lead to odors, flies or runoff during rain events.

2. Accumulated manure from roosters or pens or any other fowl will either:
   - Be composted on site in a contained area (such as a feedlot) to eliminate runoff in a rain event.
   - Disposed of properly in solid waste containers for weekly disposal by the County Solid Waste Handler. Receipts for Solid Waste services will be provided.

3. Accumulated manure from dogs, cats or livestock will be:
   - Disposed of properly in solid waste containers for weekly disposal by the County Solid Waste Handler. Receipts for Solid Waste services will be provided.
   - Hauled off to the landfill for disposal. Tipping fees receipts from the landfill will be maintained to document proper disposal.

4. Accumulated manure will be kept in closed containers or covered and kept in a soil barn to limit odors, flies and proliferation of maggots.

5. Accumulated manure shall not be stored in an area where runoff may impact surface waters or storm drain.

The information used in this sample document can be used by the applicant. Additional measures can be added to this list to describe the applicant’s actions to manage solid waste and animal manure generated on site by all animals including Roosters at the Roosters Keeping Operation.
Permit Requirements
Pest Management Plan

Facility Name: ____________________________
Facility Owner/Operator: ____________________________
Signature of Owner/Operator: ____________________________
Date: __________

Sample Pest Management Plan

Any Vectors (mice, rats, rodents, flies or other pest) will be controlled through:

1. Preventing accumulation of garbage
2. Keeping compost piles covered or contained
3. Keeping lids on all solid waste containers
4. Solid waste containers shall be maintained
5. Preventing mosquitos/harborage generation by eliminating standing water from accumulating in buckets, tires, or pooling
6. Keeping animal feed in secure containers
7. Weekly maintenance of property
8. If necessary and determined through inspections of an infestation, a contract for Professional Pest Management Services

The information used in this sample document can be used by the applicant. Additional measures can be added to this list to describe the applicant’s actions to control pest (vectors) at the known Keeping Operation.
If you are denied a permit you are not permitted to have 5 or more roosters on a property in Monterey County and you will be issued a Notice of Violation and provided a Compliance Notice to abate the keeping of more than 5 roosters.

An Appeal to the violation notice can be made to the Board of Supervisors as described in Title 1.22 of the Monterey County Code.
Exemptions
Rooster Ordinance Permit Flow Chart

Start

Permit Application with Animal Services
Form 100

Application Approved?
(All required documents submitted)

Yes

No

1. Compliance Inspection by Animal Control Office
2. Permit Fee paid
3. Permit issued for one year by Animal Services
4. Facility now operational

Exemptions

Appeal to Board of Supervisors
**Title 1.22 MCC

Appeal Approved?

Yes

No

No

Yes

Non-Exempted Permit Application required
Form 100

Exemption Appeal Approved?

Yes

No

Board of Supervisors Review
Appeal

Approved

No

Yes

Agricultural Commissioner Review

Return Form to Animal Services

*** If facility does not meet compliance requirements no permit will be issued. Compliance may be attained after non-compliance issues are mitigated.

** If permit/exemption denied, violation notice sent to applicant who may then appeal to BOS.
No Exemption
Forms required if you have 4 or less Roosters!!
Exemptions Form 110

Exemption form for 4H, FFA, or students in private or public school. Form 110

Application received and processed by Animal Services
Exemptions

. Rooster Keeping Operations that are conducted by minors and sponsored by public or private schools registered with the California Department of Education, application processed at no cost through Animal Services (Form 110)

. Rooster Keeping Operations that are conducted by minors and are in furtherance of a National Future Farmers of America /4-H Youth Development program, applications processed at no cost through Animal Services (Form 110)

. Applications require an Attestation of no criminal convictions of illegal cockfighting or other crime of animal cruelty in any state and/or that the roosters have not been and shall not be raised, sold for, or otherwise be made available for illegal cockfighting.
Exemptions Flow Chart

No Exemption
Forms required if you have 4 or less Roosters!!
Exemptions Form 120

Exemption form for Poultry Operation and Poultry Hobbyist (Form 120) Agricultural Commissioners office receives processes application and returns to Animal Services
Exemptions

* **A poultry operation**, application processed at no cost through Agricultural Commissioners office **(Form 120)**

* **Poultry Hobbyist**, application processed at no cost through Agricultural Commissioners office **(Form 120)**

Applications require an Attestation of no criminal convictions of illegal cockfighting or other crime of animal cruelty in any state and/or that the roosters have not been and shall not be raised, sold for, or otherwise be made available for illegal cockfighting.

* All Exemptions are valid for Five years and are renewable
If you are denied an exemption by the Agricultural Commissioners Office you are not permitted to have 5 or more roosters on a property in Monterey County and you will be issued a Notice of Violation by Animal Services and provided a Compliance Notice to abate the keeping of more than 5 roosters or you can apply for a Rooster Keeping Operation Permit.

An Appeal to the violation notice can be made to the Board of Supervisors as described in Title 1.22 of the Monterey County Code.
Animal Services will maintain records of all forms:

- Permit applications with all supporting documentation to be kept for 3 years
- Inspection Forms to be kept for 3 years
- Exemption forms to be kept on file for 5 years
- Enforcement Records to be kept for 3 years
Inspection Process
Inspection Process

Inspections conducted in response to:

- New/Renewal Permit application
- Re-Inspections
- Complaint investigation
- When Return to Compliance form not submitted
- Part of any Law Enforcement Investigation for alleged illegal cockfighting
Rooster Keeping Operation Permit Inspection Criteria
Title 8, Section 8.50.090 Monterey County Code (MCC)

* Maintenance of facility
* No tethering of roosters
* Proper feeding and water supply
* Care and treatment of sick or injured birds
* Sanitation/solid waste disposal
* Carcass disposal
* Pest control

Note that detailed compliance requirements are outlined in the ordinance
Example of tethering of roosters and types of make shift shelters
Options to tethering and poorly constructed shelters are coops designed to allow free movement and protection from other animals and weather.
* All **initial** inspections will be pre-scheduled.

* There will only be one or two days per week set aside to conduct inspections to limit impact to AS program duties and to ensure staff are available

* There will be no impromptu inspections allowed unless we receive a complaint
Who will conduct Inspections?

- Animal Control Officers (primary inspection staff)
- Environmental Health staff may assist to inspect for SW (composting), sanitation (garbage), Vectors (pest) issues.
- Code Enforcement (CE) may also join in to cite for illegal or unpermitted structures.
- ACO’s may make referrals to building department or CE based on observations and photos.
**Inspection Protocols**

* If ACO staff are called out by Law Enforcement, ACO’s will only verify if the location meets requirements of permitting.

* It may be very likely that a site response due to law enforcement investigation will not qualify the owner/operator for permitting if illegal cockfighting is discovered on site.
Enforcement

* Through inspections and complaint response

* “Soft Roll Out” prior to any enforcement action

* Each violation of Title 8 is a separate violation and is a new and separate violation each day the violation exists
Enforcement

* Fines, penalties and inspection fees (cost recovery) can and will be imposed $135/hour

* Enforceable under the Mo Co Code as a misdemeanor

* Enforceable under Chapter 1.22 of the Mo Co Code
Public Outreach Efforts regarding Ordinance implementation

* Monterey County Animal Control Program Advisory Board

* Monterey County Agricultural Committee 4H Youth Development Board

* Email correspondence and letters to public contact list

* Public outreach meetings on June 23\(^{rd}\) in Prunedale, June 24\(^{th}\) in King City and June 25\(^{th}\) in Marina.
Questions/Contact Information

Questions?

Contact information
John Ramirez, Director EH Bureau
(831) 755-4539
ramirezj1@co.monterey.ca.us

Web link to all forms:
http://www.mtyhd.org/rooster