

PROPOSED REVISIONS TO ROOSTER KEEPING REGULATIONS

March 12, 2024

PROPOSED FINAL REVISED AND AMENDED REGULATIONS FOR ROOSTER KEEPING IN CONFORMANCE WITH THE REQUIREMENTS OF ARTICLE 9, SECTIONS 4494.1 THROUGH 4494.5, OF CHAPTER 4 – ANIMALS, OF DIVISION 4 – PUBLIC HEALTH, OF THE VENTURA COUNTY ORDINANCE CODE

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- A. AUTHORITY FOR PROMULGATION OF REGULATIONS
Ventura County Ordinance Code section 4494.3, subdivision (g).

- B. PURPOSE
To create a standard procedure for written application, inspection of applicant premises, and issuance of permits when required for the keeping of between 5 and 25 roosters within the unincorporated areas of Ventura County in accordance with the criteria of Article 9 – Roosters, of Chapter 4 – Animals, of Division 4 – Public Health of the Ventura County Ordinance Code, sections 4494.1 through 4494.5. ~~All approved eligible applicants shall receive written approval in the form of a rooster keeping permit issued by the Ventura County Animal Services Director, or his or her designee, to keep up to 5 roosters of the same breed for a maximum of up to 25 roosters per parcel. All other persons are eligible to keep a maximum of 4 roosters per parcel, subject to zoning limits on the number of animals per parcel, without a permit.~~

- C. FINDINGS
These regulations are premised on the following findings:
 1. Excessive crowding of roosters creates a public noise and odor nuisance.
 2. There is a public interest in combatting the crime of cockfighting, including limiting the supply of roosters.
 3. Cockfighting operations represent a threat to the health and welfare of fowl in legitimate enterprises and create a public nuisance.
 4. The public interest and County of Ventura policy support the reasonable use of property and legitimate agricultural operations and education.
 5. A limitation on the number of roosters that may be kept on a parcel helps to prevent the inhumane treatment of roosters by persons who engage in illegal cockfighting.

6. The prevention of illegal cockfighting protects the health and safety of the residents of Ventura County.

D. COMPLIANCE WITH OTHER LAWS AND REGULATIONS

Nothing in these regulations is to be construed as approving the keeping of any poultry in contravention of any statute, zoning ordinance or other law.

E. DEFINITIONS

1. "Breed" means a standard game bird type, breed or strain or a recognized or popular breed or hybrid.
- ~~1.2.~~ "Comprehensive Plan" means the revised Comprehensive Plan for Flood Control – Ventura County Watershed Protection District adopted by the Board of Supervisors of the Ventura County Watershed Protection District in 1960, and on file in the office of the Clerk of the Board, as modified or amended by the Board of Supervisors of the Ventura County Watershed Protection District on October 11, 1994, which Comprehensive Plan as modified or amended delineates the number and longitudinal limits of watercourses within the incorporated and unincorporated areas of the Ventura County Watershed Protection District over which the Ventura County Watershed Protection District exercises jurisdiction for flood control zone work.
- ~~2.3.~~ "Equivalent youth poultry projects" means projects involving roosters that are equivalent to projects sponsored by Future Farmers of America (FFA) or 4-H, such as a Grange sponsored poultry project involving roosters, or an independent youth poultry project involving roosters with a person showing at county fairs, state fairs and/or poultry shows.
- ~~3.4.~~ "Legacy rooster" means a rooster formerly involved in a youth poultry project when the youth has "aged-out" of the project or a rooster that a legitimate poultry hobbyist formerly bred or showed but no longer breeds or shows due to the age or health of the rooster.
- ~~4.5.~~ "Legitimate poultry hobbyist" means a person who owns and breeds poultry for exhibition or sale of offspring in accordance with accepted poultry raising practices that comply with applicable federal and state laws and regulations.
- ~~5.6.~~ "Parcel" means an area of land having fixed boundaries depicted on or described by a tentative map, final map, parcel map or instrument of conveyance for the purpose of defining land to be held, actually or potentially, in fee title as a discrete unit, or a permit area as determined by the Ventura County Planning Director. Licenses, easements, streets, alleys and similar rights-of-way are not parcels.
- ~~6.7.~~ "Person" means any natural person, firm, corporation, organization, company, association, business, trust, joint-stock organization, partnership, joint venture, or club, or the agent, servant, manager, officer, employee, lessee or sublessee of any of them.
8. "Rooster" or "cock" means any male chicken that is six months old or older, or has full adult plumage, or is capable of crowing.
9. "Watercourse" means any natural or artificial watercourse, including any stream, river, creek, ditch, channel, canal, conduit, drain, waterway, gully, ravine or arroyo or wash within the incorporated or unincorporated areas of the Ventura County Watershed Protection District in which waters flow in a definite direction or course either continuously or intermittently, and which has a definite channel, bed and banks:

(a) To the extent described in or shown on the Comprehensive Plan; (b) To the extent owned, controlled, improved, operated or maintained by the Ventura County Watershed Protection District; or, (c) To the extent shown on the Master Plan of Drainage for the area within the boundaries of any special zone, established pursuant to the provisions of Sections 6.1 et seq., of the Ventura County Watershed Protection District Act, Water Code Appendix, Chapter 46.

7.

F. ELIGIBILITY FOR ROOSTER KEEPING PERMIT

1. Permits may allow an eligible applicant to keep between 5 and 25 roosters per parcel, consisting of up to 5 roosters of the same breed for a maximum of ~~up to~~ 25 roosters per parcel. Only a person engaged in an FFA or 4-H sponsored poultry project involving roosters, a person engaged in an equivalent youth poultry project involving roosters, an adult or family member of an “aged-out” youth taking care of a legacy rooster, or a legitimate poultry hobbyist is eligible to apply for a rooster keeping permit issued by the Ventura County Animal Services Director, or his or her designee, to keep up to 5 roosters of the same breed for a maximum of up to 25 roosters per parcel.
2. All other persons are eligible to keep, maintain, control or harbor a maximum of 4 roosters per parcel, subject to zoning limits on the number of animals per parcel, without a permit.
- 2.3. The documentary proof required to establish eligibility for a rooster keeping permit is set forth in Section G.4.

G. APPLICATION PROCESS FOR ROOSTER KEEPING PERMIT

1. All eligible applicants shall fill out a written application for a rooster keeping permit on a form approved by the Director of Animal Services and submit the application to Ventura County Animal Services. A copy of the approved written application form is attached as Exhibit A.
2. Each application for a rooster keeping permit shall be required to be signed under penalty of perjury under the laws of the state of California by a person eligible to apply for a rooster keeping permit under section F; however, ~~a~~ applications submitted on behalf of persons under 18 years of age shall be signed by a parent or legal guardian.
3. A completed and signed application shall be submitted to Ventura County Animal Services along with payment of the application fee for a rooster keeping permit, in an amount approved by resolution of the Ventura County Board of Supervisors.
4. All applicants shall submit the following documentary proof of eligibility with their completed and signed application.
 - a. Applicants engaged in FFA, 4-H and equivalent youth poultry projects involving roosters or who are taking care of legacy roosters must demonstrate that rooster keeping is/was part of a student/member project by showing proof of involvement in a poultry project within that organization such as with a record book showing active poultry project activities, confirmed poultry project enrollment through County or school administration records, or some other form of documentation of poultry project membership. Independent youth applicants

must show confirmation that they raise roosters for show or fair events by submitting recent (within one year) poultry show or fair coop cards or confirmed entries or by some other documentation of poultry project activities. If poultry events have been cancelled due to disease outbreak or other unforeseen circumstances, applicants must submit documentation of cancellation of poultry events and documentation of the last attended poultry show or fair coop card or confirmed entry. Documentation of participation in a youth poultry project must be retained by an adult or family member of an "aged-out" youth taking care of a legacy rooster and presented for verification by the animal control officer. All project roosters must be identified by a leg band, wing band or cage band, as well as by documentation of the rooster's specific breed size, feather color and distinguishing characteristics. Youth project advisors or agricultural teachers may be contacted by Ventura County Animal Services to verify that the applicant is involved in an approved project involving roosters.

- b. Legitimate poultry hobbyists must demonstrate a legitimate use of the roosters for which the rooster keeping permit is requested under i or ii below, or maintain a legacy rooster as specified in iii below:
 - i. An agricultural enterprise such as fertile egg production, or a purebred breeding operation, consistent with zoning limits on the number of animals permitted.
 - ii. An operation geared to the legitimate exhibition (showing) of poultry. To demonstrate eligibility, the hobbyist must exhibit birds in shows open to the public, which feature birds from more than one class as defined in the American Poultry Association Standard of Perfection (such as Asiatic, Continental, American, English, etc.). The intent of this provision is to disallow the participation in single-breed, non-public "Sham Shows" which allow only "American Game fowl" or "Filipino Game fowl" to confer a false legitimacy on roosters used in the cockfighting trade.
 - iii. In the case of a legacy rooster documented as formerly used for fertile egg production or breeding, or documented as too old to currently compete in shows, an applicant may apply for a permit based on documentation of the rooster's legacy status for either i or ii above, and must present such documentation for verification by the animal control officer.

5. In conjunction with each application, after Ventura County Animal Services makes an initial determination that the applicant would be eligible for a rooster permit, Ventura County Animal Services will so notify the Planning Division of the Ventura County Resource Management Agency. Thereafter, as part of the permit application process, any rooster permit applicant whose parcel is located in an area subject to the Non-Coastal Zoning Ordinance will be required to obtain a zoning clearance with waivers that has been approved by the Ventura County Planning Division to demonstrate that the necessary waiver of the number of roosters between 5 and 25 roosters has been obtained in compliance with Non-Coastal Zoning Ordinance sections 8107-2.5.5 and 8111-1.1.2. A permit applicant will be required to provide a copy of the approved zoning clearance with waivers to Ventura County Animal Services. Permit applications for parcels subject to the

Non-Coastal Zoning Ordinance will not receive final approval from Ventura County Animal Services until a permit applicant has demonstrated that the applicant has obtained the required zoning clearance with waivers to Ventura County Animal Services.

- 5.6.** To the extent practicable, applications will be reviewed and determined by the assigned animal control officer or staff member of Ventura County Animal Services within 10 business days after being received by Ventura County Animal Services.
- 6.7.** If the application received is incomplete, or more information is needed to determine whether a rooster keeping permit can be issued, Ventura County Animal Services shall reject the application, and return the application to the applicant with a letter stating the reason for rejection.
- 8.** At any time during the application review process, Ventura County Animal Services may request further documentation from the applicant to proceed with the permit review and approval process.
- 9.** All rooster-keeping permits issued by Ventura County Animal Services will be contingent upon the permittee having voluntarily consented on the permit application form to providing Ventura County Animal Services staff with future access to the affected parcel to conduct an onsite inspection of the portion of the parcel where roosters are being kept, up to four times per year, at Ventura County Animal Service's discretion, upon Ventura County Animal Services providing the permittee with at least 72 hours prior written notice of the planned date of the inspection, with such written notice of inspection to be served via personal service upon the permittee, or by physical posting of written notice of inspection at the affected parcel.
- 7.10.** All approved eligible applicants shall receive written approval in the form of a rooster keeping permit issued by the Ventura County Animal Services Director, or his or her designee, to keep between 5 and 25 roosters per parcel consisting of up to 5 roosters of the same breed for a maximum of 25 roosters per parcel in zoning designations allowing roosters pursuant to the Ventura County Non-Coastal Zoning Ordinance. All other persons are eligible to keep a maximum of 4 roosters per parcel without a permit in zoning designations allowing roosters and subject to the animal keeping standards of the Ventura County Non-Coastal Zoning Ordinance.
- 8.11.** All approved and denied applications shall be preserved by the assigned animal control officer in Ventura County Animal Services records for a period of no less than 5 years after the date of approval or denial.

H. INSPECTION PROCESS

- 1.** Every parcel identified on an application must be inspected by an animal control officer prior to approving an application. The assigned animal control officer will contact the applicant to make an appointment for on-site inspection.
- 2.** Throughout the onsite inspection process, the animal control officer will follow Animal Services written policy regarding biosecurity measures for inspection of poultry, including, but not limited to, using protective clothing and other precautions, in order to protect the officer's health and the health of the birds.
- 3.** No more than one parcel shall be inspected by the same officer within a 24-hour period to minimize the spread of disease. Should there be multiple applications pending for

inspection, the assigned officer will schedule one inspection per day at least 24 hours apart.

4. Inspecting officers shall inspect to ensure that the following requirements are met for each parcel at issue:
 - a. Rooster enclosures shall have a minimum set back from adjacent residences of 40 feet.
 - b. At all times, roosters shall have access to fresh food and water.
 - c. Enclosures are or shall be constructed in a manner that protects the rooster from wind, rain, direct sun, etc. All structures shall be compliant with local building laws and be located only in areas that are lawfully authorized to have such structures. Structures shall not be located in any Watercourse, unless the rooster keeping permit applicant has obtained a Watercourse Permit from the Ventura County Watershed Protection District. In review of permit applications, Ventura County Animal Services will consult, as may be necessary, with the Ventura County Watershed Protection District to ascertain whether structures have been placed in a Watercourse. If the Ventura County Watershed Protection District indicates to Ventura County Animal Services that the structures are located in a Watercourse without a Watercourse Permit, Ventura County Animal Services will so notify the permit applicant in writing and cease further processing of the permit application unless, and until, the rooster keeping permit applicant relocates the structures to a location which is not in a Watercourse or obtains a Watercourse Permit from the Ventura County Watershed Protection District.
 - d. Each rooster shall have sufficient room to spread both wings fully and to be able to turn in a complete circle without any impediment and without touching the side of the enclosure.
 - e. All premises shall be clean and sanitary and kept in good repair.
 - f. No person shall maintain or control any rooster by means of a tether attached to an object.
 - g. At no time shall roosters be housed in a manner so that they are individually caged, tethered or restrained to provoke calls, aggression displays, crowing or other enhancements to their "gameness." If roosters are individually housed, it shall be in a manner to reduce to a minimum such provocations and the related noise nuisance created.
5. The inspecting officer shall inspect the entire parcel to ensure that all birds are accounted for.
6. If evidence of cockfighting or cockfighting paraphernalia is found during an inspection, the inspecting officer shall immediately notify the Ventura County Sheriff's Office, the Ventura County Agricultural Commissioner and the Animal Services Director.
7. Should the inspecting officer require improvements be made to a parcel prior to permit approval, the officer will transmit a written description of the required improvements to the applicant along with a deadline for completing the improvements. The inspecting officer will determine a date to recheck the parcel to complete the approval process.

8. For applications requiring more than one parcel inspection, the applicant shall be required to pay any additional inspection fee in an amount approved by resolution of the Ventura County Board of Supervisors.

I. PERMITS

1. Permits may allow an applicant to keep up to 5 roosters of the same breed for a maximum of 25 roosters per parcel. However, the specific maximum number of roosters that will be allowed to be kept per parcel (within the potential maximum of 25 roosters) pursuant to a rooster keeping permit will be determined by the Ventura County Animal Services Director, or his or her designee, after inspection according to factors related to public health, welfare and safety including, but not limited to, zoning limits on the number of animals per parcel, parcel size, proximity to neighbors, odor and noise nuisance posed to neighbors (considering noise barriers, if any, and specific times when the roosters are permitted outdoors), sanitation, and the ability to meet animal care standards set forth in Ventura County Ordinance Code section 4494.3. The number and breed of roosters allowed will be listed in the permit.
2. Permittees issued permits pursuant to Ventura County Ordinance Code section 4494.3 shall make the permits available for inspection upon the request of any employee of Ventura County Animal Services, any employee of the Ventura County Agricultural Commissioner, the Ventura County Sheriff, or any person authorized to act on behalf of the Ventura County Sheriff in the enforcement of the provisions of the Ventura County Ordinance Code.
3. Permits shall include: the name of the applicant, the address of the applicant, the street address where the birds are residing, the assessor's parcel number for the parcel where the birds are residing, the number of roosters allowed per breed per parcel, a unique permit number, the date the permit was issued, the date the permit expires, identification of Ventura County Animal Services as the permit issuing entity, and a copy of the logo unique to Ventura County Animal Services.
4. Permits shall be valid for no more than one year from date of issuance.
5. A duplicate copy of every permit issued shall be preserved by the assigned animal control officer in Ventura County Animal Services records for a period of no less than 5 years after the date of issuance.
6. Each individual rooster beyond the rooster limit set forth in a rooster keeping permit constitutes a separate violation of the permit and of Ventura County Ordinance Code section 4494.3.
7. Ventura County Animal Services reserves the right to revoke a permit at any time for noncompliance by a permittee, a parcel owner, or any person occupying, leasing, or subleasing a parcel with the terms of an applicable rooster keeping permit, Ventura County Animal Services regulations for rooster keeping, or Ventura County Ordinance Code sections 4494.3 or 4494.4.
8. Ventura County Animal Services reserves the right to deny renewal of any permit for noncompliance by a permittee, a parcel owner, or any person occupying, leasing, or subleasing a parcel with the terms of an applicable rooster keeping permit, Ventura County Animal Services regulations for rooster keeping, or Ventura County Ordinance Code sections 4494.3 or 4494.4.

9. Any permittee, parcel owner, or person occupying, leasing, or subleasing any parcel who violates Ventura County Ordinance Code sections 4494.3 or 4494.4 after permit approval may be subject to a misdemeanor/infracton pursuant to Ventura County Ordinance Code section 4494.5, or an administrative citation pursuant to Ventura County Ordinance Code section 4493-1, et seq.

J. FEES

Fees for processing rooster keeping permits and related inspection are established by resolution of the Ventura County Board of Supervisors.*

Exhibit A – Application for Rooster Keeping Permit Under Ventura County Rooster Keeping Ordinance

***The Ventura County Board of Supervisors has adopted a full cost recovery policy but also has a long-established practice of waivers or credits of fees for solely youth-oriented non-profit organizations. Ventura County Animal Services will seek full cost recovery fees, except where the Board of Supervisors has authorized the waiver or credit of fees for youth educational projects.**