

CHAPTER EIGHT: ANIMALS

Subchapter 8.05: Poultry and Fowl

8.05.010 Findings.

The City Council finds that noise and smell from poultry or fowl, including chickens, ducks, turkeys, geese, squabs, pigeons or partridges, can become a nuisance to surrounding property owners, unless such poultry or fowl are kept and confined within an enclosure that is at least 125 feet, and for roosters 500 feet, from a dwelling unit.

[*History:* ORD. 362, 1/13/1988; ORD. 606, 9/10/2003; ORD. 621, 10/13/2004]

8.05.020 Prohibition.

No person, firm or corporation shall keep, or allow to be kept, on any property within the Town of Colma any poultry or fowl, including chickens, ducks, turkeys, geese, squabs, pigeons or partridges which can become a nuisance to surrounding property owners, unless such poultry or fowl shall at all times be kept and confined within a yard, pen, corral, bird or chicken house, or other enclosure so constructed as to make impossible escape therefrom by said poultry, which said yard, pen, corral, chicken house, or other enclosure shall be so placed that no part thereof shall be within a distance of 125 feet from any house used or designed to be used for dwelling or residential purposes, and not owned, leased or otherwise controlled by such person, provided that crowing roosters of three (3) months of age or more shall be housed or kept within a distance of five hundred (500) feet from any house used or designed to be used for dwelling or residential purposes, and not owned, leased or otherwise controlled by the owners of said poultry.

[*History:* ORD. 362, 1/13/1988; ORD. 606, 9/10/2003; ORD. 621, 10/13/2004]

8.05.030 Public Nuisance.

The keeping, maintaining or feeding of poultry or fowl contrary to the provisions or requirements of this ordinance is declared a public nuisance.

[*History:* ORD. 362, 1/13/1988; ORD. 606, 9/10/2003; ORD. 621, 10/13/04]

8.05.040 Infraction.

Any person violating any provisions of this subchapter, or who shall keep, maintain poultry or fowl in violation of the terms of this subchapter shall be guilty of an infraction.

[*History:* ORD. 362, 1/13/1988; ORD. 606, 9/10/2003; ORD. 621, 10/13/04]

8.05.050 Lawful, Non-conforming Use.

Notwithstanding the foregoing, any lawful use of the premises within the Town of Colma for the keeping or maintenance of poultry or fowl which began on or before January 1, 1988 and has continued to the date of this ordinance may continue provided that a permit meeting the following requirements is first obtained:

(a) Application for such permit shall be made in writing to the City Planner who must issue the permit if all conditions herein have been satisfied;

(b) The project shall be kept and maintained in compliance with proper health and sanitation standards and shall be subject to periodic inspection by the City Health Officer or the City Code Enforcement Officer;

(c) The premises shall not be kept and maintained so as to constitute a public nuisance as that term is defined in California Civil Code Section 3479.

[*History:* ORD. 362, 1/13/1988; ORD. 606, 9/10/2003; ORD. 621, 10/13/04]

8.05.060 Revocation.

Upon request of the City Health Officer, or upon written application submitted by a resident or property owner of the Town of Colma, the Council shall notice a public hearing to determine whether the permit shall be revoked. The Council shall revoke the permit if it determines, by a preponderance of the evidence that any of the requirements of the permit have not been complied with.

[*History:* ORD. 362, 1/13/1988; ORD. 606, 9/10/2003; ORD. 621, 10/13/04]