



VCAS Rooster Regulations

PREAMBLE

Ventura County Animal Services received five public comments regarding the proposed regulations for rooster keeping.

Some public comments objected to various provisions that were included in the regulations to comply with the requirements of Ventura County Ordinance No. 4535. Because the regulations are required to implement Ordinance No. 4535, no revision was made to such provisions of the final regulations.

Two public comments requested that consideration be given to equivalent youth educational projects similar in nature to the projects offered by 4-H or Future Farmers of America. Consistent with the intent of Ordinance No. 4535, the final regulations provide for consideration of roosters kept for equivalent youth educational poultry projects.

Two public comments requested that regulations include provisions for keeping of legacy roosters (either because youth project participants “age-out” of youth projects or poultry hobbyists no longer breed or show roosters due to the age of the rooster). Consistent with the intent of Ordinance No. 4535, the final regulations provide for the keeping of legacy roosters within the overall number authorized by permit.

One public comment noted that flocks are not static and that hatch rates for roosters are unpredictable and requested that the regulations provide a grace period in which to re-home excess roosters if any violations are found. Because the regulatory definition of “rooster” requires that a bird be six months old or older, breeders have sufficient flexibility within that six-month period after hatching to make necessary accommodations for actual hatch rates.

One public comment suggested various specific biosecurity measures for poultry be included in the text of the regulations. Since biosecurity guidelines for poultry announced by the California State Veterinarian may evolve, the final regulations require animal control officers to comply with written Animal Service policies for biosecurity measures for poultry, as such written policies may be more quickly updated.

One public comment requested that the regulation of breeders require a preponderance of female birds to male birds, such as in a 4:1 ratio of hens to cocks. However, it was deemed that this same requirement would be overly restrictive if persons engaged in youth educational projects or poultry hobbyists showing birds did not wish to keep or show a preponderance of female birds; and it would not be equitable to place such a restriction solely on breeders. In addition, this requested revision exceeds the scope of Ventura County Ordinance No. 4535.

One public comment requested more stringent action to deter illegal cockfighting. The final regulations have been amended to require immediate notification of local law enforcement if evidence of cockfighting paraphernalia is discovered during inspection.

One public comment noted that during outbreaks of Virulent Newcastle Disease (VND), it has been advised not to move birds and questions how roosters over the numerical limit are to be removed from the flock (since selling or moving birds are not viable options) without recourse to euthanasia for rooster population control. Because the final regulations are required to implement the rooster limits of Ordinance No. 4535, and Ordinance No. 4535 does not contain an exception to enforcement of rooster limits in the event of VND quarantine, the final regulations do not provide for an exception during outbreaks of VND or other poultry diseases.

FINAL 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

- A. AUTHORITY FOR PROMULGATION OF REGULATIONS**
- B. PURPOSE**
- C. FINDINGS**
- D. COMPLIANCE WITH OTHER LAWS AND REGULATIONS**
- E. DEFINITIONS**
- F. ELIGIBILITY FOR ROOSTER KEEPING PERMIT**
- G. APPLICATION PROCESS FOR ROOSTER KEEPING PERMIT**
- H. INSPECTION PROCESS**
- I. PERMITS**
- J. FEES**

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 for the keeping of 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.
2. "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. "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. "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. "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. "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.
7. "Rooster" or "cock" means any male chicken that is six months old or older, or has full adult plumage, or is capable of crowing.

F. ELIGIBILITY FOR ROOSTER KEEPING PERMIT

1. Permits may allow an eligible applicant to keep 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.

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. 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. 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. 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.
7. 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.
8. 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.
 - 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/infraction pursuant to Ventura County Ordinance Code section 4494.5.

J. FEES

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

***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.**