



Legislation Details (With Text)

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Title: Request to Discuss Existing Regulations Governing Animal-Related Activity, Specifically Bees, Pigs and Chickens, on Residential Properties (Community Development Director Tai).
DISCUSS AND PROVIDE DIRECTION

Sponsors:

Indexes:

Code sections:

Attachments: 1. PowerPoint Presentation

Date	Ver.	Action By	Action	Result
4/20/2021	1	City Council Regular Meeting	approved	Pass

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, AICP, Community Development Director
Talyn Mirzakhanian, Planning Manager

SUBJECT:

Request to Discuss Existing Regulations Governing Animal-Related Activity, Specifically Bees, Pigs and Chickens, on Residential Properties (Community Development Director Tai).

DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:

Staff recommends that the City Council discuss and provide direction on regulations governing animal-related activity, specifically bees, pigs and chickens, on residential properties.

FISCAL IMPLICATIONS:

In the event that the City Council directs staff to prepare draft ordinances regulating beekeeping activities, pigs, and chickens, there would be a cost associated with securing an expert consultant to embark on the development of necessary ordinances, which include drafting the ordinance and public outreach.

BACKGROUND:

As a result of bee-related Code Enforcement activity in 2020, the City Council considered a request by Councilmember Hersman and then-Mayor Montgomery on November 4, 2020, to discuss regulations for beekeeping. After some discussion, the City Council directed staff to evaluate animal

related requirements or provisions in the City's Municipal Code, specifically as they relate to bees, chickens, and pigs. The Council indicated interest in learning how, if at all, the Code currently regulates such uses in the single-family residential zoning districts and what avenues of enforcement, if any, are currently available for animal-related nuisances.

To assess the frequency of animal-related violations, Code Enforcement records indicate that the City has received four, independent, animal-related complaints since 2018. The complaints are briefly described below:

1. June 14, 2018 - Code Enforcement receives a complaint regarding roosters being kept on single-family residential property. The complaint focused on excessive noise and smell of feces.
2. September 4, 2018 - Code Enforcement receives a complaint regarding bee keeping activity on a neighboring single-family residential property. The complaint focused on excessive bee defecation.
3. July 14, 2020 - Code Enforcement receives a complaint regarding bee keeping activity on a neighboring single-family residential property. The complaint focused on aggressive bee behavior (i.e. stinging).
4. March 29, 2021 - Code Enforcement receives a complaint regarding bee keeping activity on a neighboring single-family residential property. The complaint focused on aggressive bee behavior (i.e. stinging).

DISCUSSION:

Existing Municipal Code Provisions

Animal Definitions

Section 10.04.030 of the Code also includes definitions for exotic animals, large animals, and small animals in addition to the definition for domestic animals. The definitions are included below for reference:

- Animal, Domestic (*allowed*): Small animals of the type generally accepted as pets, including dogs, cats, rabbits, hens, fish and the like, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or the like.
- Animal, Exotic (*prohibited*): Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.
- Animal, Large (*allowed only at animal shows*): An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.
- Animal, Small: An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels.

Animal Regulations

Section 10.12.120(M) of the City's Planning and Zoning Code permits the keeping of domestic animals in residential zoning districts. Specifically, there can be no more than five domestic animals, including dogs and cats, and the young thereof not exceeding four months in age in any combination

thereof for each residential living unit and other small domestic household pets such as rabbits, hamsters, guinea pigs, etc., not to exceed a quantity of five in any combination thereof.

Common varieties of farm animals, livestock, exotic animals or wild animals (as defined in Section 10.04.030) are prohibited, except for Vietnamese pot-bellied pigs, also known as pygmy pigs or mini-pigs.

Beekeeping

The definitions for the various animal classifications, and the governing regulations thereof, do not specifically identify bees or beekeeping. Beekeeping activities are regulated by some local jurisdictions because, if not done properly, bees can become aggressive and the hobby can develop into a public nuisance. Specifically, the placement of the hive, the availability of water, the amount of space in the hive, re-queening, and tending to the hive all play a significant role in successful beekeeping. While the City's Municipal Code does not directly regulate bees, there are other provisions in Title 5 (Sanitation and Health) and Title 9 (Building Regulations) of the Municipal Code that more generally govern animal activities and nuisances.

Los Angeles County's Role in Beekeeping Regulation

The County of Los Angeles Department of Agricultural Commissioner/Weights & Measures regulates beekeeping activities in the entirety of the County in accordance with the regulations of the State Food and Agricultural Code (FAC) Division 13 (Bee Management and Honey Production), regardless of whether or not local jurisdictions have adopted their own beekeeping regulations. Beekeepers are required to register their hives annually with the Los Angeles County Department of Agricultural Commissioner/Weights and Measures per California FAC Section 29043.

All nuisance complaints are investigated by the Los Angeles County Department of Agricultural Commissioner/Weight and Measures office. Per staff's correspondence with the County inspector, it typically takes two days from receipt of the complaint to conduct a site inspection. If a violation is witnessed, the County inspector will coordinate with the Code Enforcement division of the local jurisdiction in which the subject property is located to issue nuisance violations and follow through with enforcement efforts. All complaints received by the County or City, the inspector's notes, and the local jurisdiction's citations collectively serve as the administrative record for each violation. Note that beekeeping activities are not regulated by the County of Los Angeles Department of Animal Care and Control.

Beekeeping in Other Local Jurisdictions

Over the last decade, local jurisdictions have experienced a surge in residential beekeeping activities, partially in response to evidence indicating that a number of bee species have become endangered. According to the California Department of Fish and Wildlife, bees are the most well-known pollinators, and pollinators assist in plant reproduction by helping to move pollen within or between flowers. By aiding in this essential ecological mechanism of pollination, pollinators play a crucial role in supporting biodiversity. Plants serve as the foundations of our ecosystems, and over 80% of flowering plants require pollination services. Pollinators act as keystone species that help hold ecosystems together, by supporting plant reproduction and plant diversity. In addition to being vital to biodiversity, pollinators support many benefits that humans receive from healthy ecosystems, the most notable being food security.

Regulation of beekeeping in local jurisdictions varies. Some local jurisdictions, like the City of Manhattan Beach, have not adopted regulations specifically related to beekeeping and continue to

rely on Los Angeles County for inspector services and guidance; some have prohibited beekeeping entirely. Other local jurisdictions have recently adopted beekeeping regulations. A few examples of cities with locally-adopted beekeeping regulations include Redondo Beach (Sanitation & Health Code), Torrance (Public Health and Welfare Code), Long Beach (Animal Code), and Los Angeles (Zoning Code). These ordinances establish permitting requirements and operational parameters for beekeeping activity in residential zoning districts. Some ordinances include appeal processes for issued beekeeping permits.

Chickens

Based on the domestic animals provisions, chickens, with the exception of roosters, are allowed on residential properties. Chicken coops are treated as accessory structures and are required to comply with all applicable developments standards governing accessory structures, including but not limited to setback and height requirements. Roosters are outright prohibited in residential zoning districts.

Pigs

The domestic animals provisions currently permit Vietnamese pot-bellied pigs, also known as pygmy pigs or mini-pigs, in residential zoning districts, but clearly prohibit hogs and other species of pigs.

Enforcement Provisions

The Municipal Code currently includes enforcement provisions for animal related violations. These provisions are included below for reference:

9.68.020 (Public nuisance; substandard or dangerous property conditions). This section identifies conditions “A” through “U” as conditions that are unlawful and constitute a nuisance. Of those conditions, the following are also applicable to animals:

Feeding, or causing to be fed, any wild birds or other undomesticated animals, where such feeding creates any unsanitary condition, excessive noise, or property damage.

Any other condition which adversely affects the public health, welfare, and safety.

In an event where animal activity is creating a public nuisance per one of the scenarios described above, the City has the ability to pursue abatement of the nuisance in accordance with Section 9.68.030 (Nuisance abatement; initial notice) of the Code. In this scenario, the Director of Community Development, or designee, shall provide written notification of the nuisance to the owner, and any lessee or occupant, and request that the nuisance be abated. If a nuisance is not properly abated within the period established under the provisions of Section 9.68.030, the City Council may hold a hearing to determine if a nuisance exists and whether it should be abated (9.68.050).

5.01- Animals - Pound Dogs. While the heading of this section specifically references pound dogs, and certain provisions identify dogs as the clear subject(s), there are other provisions that are more general in nature and could apply to other animals. For example, Section 5.01.280 (Public Nuisance) of the Code, provides that any animal or animals which molest passersby or passing vehicles, attack other animals, trespass on school grounds, is repeatedly at large, damages, and/or trespasses on private or public property, bark, whines, or howls in an excessive, continuous, or untimely fashion, shall be considered a public nuisance. Section 5.01.290 of the Code further provides that if there are two (2) complaints filed with the City by two (2) individuals from separate residences or businesses regarding a violation of the

Public Nuisance Section of this ordinance, the City may file a complaint against the alleged violator and direct the District Attorney to proceed with criminal action.

Furthermore, Section 5.01.310 of the Code requires that owners, or persons having custody of any dog or other animal, clean up its waste; otherwise it is deemed a public nuisance. Every person who does not clean up waste must do so after reasonable notice in writing from the Animal Aid Department (*note that this now the Animal Control Division of the Police Department*) of the City of Manhattan Beach, and is guilty of a misdemeanor and shall be punished accordingly; and the existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense, and shall be prosecuted accordingly.

5.08 - Animal Care Regulations. Per this section of the Code, every person, within the City of Manhattan Beach, who owns any animal or who owns, conducts, manages, or operates any animal establishment shall comply with a series of regulations. These regulations, for example, require that all animals are: supplied with sufficient, good and wholesome food and water as often as the feeding habits of the respective animals require; that their housing facilities are maintained in good repair; that animals are maintained as to eliminate excessive and nighttime noise; and that reasonable precautions are taken to protect the public from the animals and the animals from the public. This section also provides that every violation of an applicable regulation shall be corrected within a reasonable time.

5.48.050 (Animals and Fowl). This section provides that any animal or fowl which emanates sound or outcry in an excessive, continuous, or untimely fashion, shall be considered a public nuisance.

In conclusion, the City's Municipal Code has numerous avenues to permit the keeping of various animals, including bees, pigs, and chicken. The Code also includes provisions to abate nuisances and rectify animal-related issues. Violations related to allowable animals or animal-keeping standards on property or animal standards are the responsibility of the Code Enforcement staff in the Community Development Department. Violations related to animal behavior and noise are addressed by the Police Department's Animal Control Division. However, the various Code sections use inconsistent and outdated language, which causes confusion and ambiguity for enforcement actions.

POLICY ALTERNATIVES:

The following policy alternatives, or versions thereof, are available for the City Council to consider:

1. Continue to enforce existing animal-related regulations in the Municipal Code and work with the County of Los Angeles Department of Agricultural Commissioner/Weights & Measures specifically on City enforcement of beekeeping-related code enforcement cases (i.e. enforce as a public nuisance);
2. Include a work plan item to improve, modernize, and amend existing Code sections in Title 5, Title 9, Title 10 or a combination thereof, to more specifically allow or prohibit animal/bee related uses on residentially zoned properties and specify enforcement mechanisms; or
3. Add a work plan item to develop a local beekeeping ordinance. This alternative would require consulting with a beekeeping expert to identify appropriate beekeeping regulations and

explore opportunities to customize those regulations to meet the needs of the City's dense built environment (i.e. limit the activity to residential properties of a specific minimum size).

PUBLIC OUTREACH:

Public outreach and notification was not required for this issue. However, should the City Council direct staff to change any portions of the Municipal Code, public outreach would be conducted.

ENVIRONMENTAL REVIEW:

The City Council's discussion of existing regulations is not a "project" as defined under Section 15378 of the State California Environmental Quality Act (CEQA) Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus no environmental review is necessary. In the event that the City Council directs staff to prepare amendments to the Municipal Code, at that time, said activity would be subject to CEQA.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. PowerPoint Presentation