

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NUMBER _____

AN ORDINANCE OF FRESNO COUNTY, STATE OF CALIFORNIA,
TO ADD CHAPTER 9.11 TO TITLE 9 OF THE FRESNO COUNTY
ORDINANCE CODE, RELATING TO KEEPING OF ROOSTERS

The Board of Supervisors of the County of Fresno ordains as follows:

Section 1. FINDINGS. The Board of Supervisors of the County of Fresno hereby finds and declares as follows:

WHEREAS, Fresno County is experiencing a health, safety, and noise related nuisance due to the overpopulation of roosters; and

WHEREAS, there is no existing County ordinance to effectively manage or limit the number of roosters kept on a single property; and

WHEREAS, the County Board of Supervisors finds that increased regulation of roosters will help alleviate the County's health, safety, and noise related nuisance by allowing increased County control over the keeping of roosters within the County of Fresno.

Section 2. The Ordinance Code of the County of Fresno is hereby amended by adding Chapter 9.11 to Title 9 to read as follows:

Chapter 9.11 – KEEPING OF ROOSTERS

Section 9.11.010 – Title, Purpose, and Intent

Section 9.11.020 – Definitions

Section 9.11.030 – Rooster Keeping

Section 9.11.040 – Rooster Keeping Permit

Section 9.11.050 – Impounding

1 Section 9.11.060 – Violations

2
3 9.11.010 - Title, Purpose, and Intent

4 The purpose of this Chapter is to limit the number of roosters that may be
5 kept on a single property to reduce public nuisances, illegal cockfighting, the raising of
6 birds used for cockfighting, to prevent the inhumane treatment of birds by those who
7 engage in illegal cockfighting activities and to protect the health and safety of the County's
8 residents. For purposes of this section a single property is defined as any parcel or
9 combination of parcels operated as one unit.

10 The Board finds that part of the solution is for there to be a limit on the
11 number of roosters allowed on properties, unless their owners obtain from the County
12 rooster keeping permits described in Section 9.11.040, for the privilege of maintaining up
13 to twenty-four (24) roosters on a single property. Further, the Board finds that regulation
14 of roosters will help alleviate the County's health, safety, and noise control crisis by
15 allowing increased County control over enforcement of the keeping of roosters.

16
17 9.05.020 - Definitions.

18 The following words and terms used in this Chapter are defined for the
19 purpose thereof as follows:

- 20 A. "At large" means any animal when it is off the property (located in an
21 unincorporated area of Fresno County) of his/her owner or possessor thereof
22 and is not under the immediate control of a person physically capable of
23 retaining control of the rooster. At large shall also mean when a rooster is on
24 the property of his/her owner or possessor but there is no fence or adequate
25 enclosure on such property sufficient to prevent ingress and egress of the
26 rooster or is not under the immediate presence of its owner.
- 27 B. "County business days" means the days of the week the County is open for
28 business, excluding County holidays.
- 29 C. "Officer" means the local health officer, any deputy local health officer, any
30 animal control officer, humane officer, peace officer, Fresno County Sheriff's
31 Deputy or other officer, or any person authorized to act on behalf of Fresno

County in the enforcement of this chapter.

D. "Owner" means the legal owner and anyone in lawful possession of or in charge of a rooster.

E. "Person" means any person, firm, company, association or corporation, their agents or employees.

F. "Rooster" means any male chicken that is:

a. Six (6) months or older; or

b. Capable of crowing; or

c. Has full adult plumage.

9.11.030 – Rooster Keeping.

A. It is unlawful to keep or maintain on any single property more than ten (10) roosters without a rooster keeping permit.

1. This section does not apply to commercial poultry ranches whose primary commodity is the production of eggs or meat for sale and are regulated by the United States Department of Agriculture (USDA) Food Safety Inspection Service, or government-operated animal shelters or other animal welfare organizations that employ humane officers as described in Corporations Code section 14502.

2. Each individual rooster over the number listed constitutes a separate violation.

3. Nothing in this Title 9 may be construed as authorizing the keeping of roosters in violation of any other applicable law or ordinance. The construction and location of the cages or coops must not conflict with the requirements of any building code or setback line and must be at least one hundred and fifty (150) feet from any residence other than the owner's residence.

4. Roosters must be kept in accordance with the following requirements:

i. Access to water and shelter from the elements (rain, wind, direct sun, etc.); and

ii. Sufficient room to spread both wings fully and to be able to turn in

1 a complete circle without any impediment and without touching the
2 side of an enclosure; and

3 iii. Clean and sanitary premises that are kept in good repair.

4 iv. Tethering within the enclosure is prohibited.

5 5. The keeping of roosters does not meet the noise source exemption for
6 8.40.060 "agricultural activities on agricultural property" unless such
7 property is considered a commercial poultry ranch as described above.
8 If the property does not meet any of those conditions, 8.40.060 will apply
9 to the keeping of roosters.

10
11
12 9.11.040 – Rooster Keeping Permit. A rooster keeping permit may only be issued to a
13 person approved by the Director of Public Health, or designee, who complies with the
14 following requirements:

15 A. A person who seeks to keep or maintain more roosters than allowed under
16 9.11.030 above must file an application for a rooster keeping permit, comply
17 with the requirements of rooster keeping within this Chapter, and pay the
18 required fees. A penalty in addition to the application and permit fee will be
19 charged to a person who keeps more roosters than allowed under section
20 9.11.030 without a rooster keeping permit.

21 B. No more than twenty-four (24) roosters may be kept or maintained on any
22 property.

23 C. Any person who seeks to keep or maintain more roosters than allowed under
24 Section 9.11.030 above is subject to an onsite inspection of the premises by an
25 animal control officer, humane officer, or peace officer upon demand. The
26 number of roosters allowed to be kept within a rooster keeping permit will be
27 determined according to the factors related to public health, welfare and safety,
28 including parcel size, proximity to neighbors, sanitation and ability to meet
29 animal care standards identified within this Chapter.

30 D. In addition, a person who seeks to keep or maintain more roosters than are
31 permitted by 9.11.030 above as part of a local chapter of 4-H, Future Farmers

1 of America (FFA), or similar organization or educational poultry project must
2 meet all of the following requirements:

- 3 1. Provide written proof of current membership in 4-H, FFA, or similar
4 organization or educational project to any animal control officer, humane
5 officer, or peace officer upon demand;
- 6 2. Provide written documentation and approval of a 4-H, FFA, or similar
7 organization or educational project that involves the roosters to any
8 animal control officer, humane officer, or peace officer upon demand. The
9 approval must be from one of the following organizations: 4-H, the County
10 4-H Advisor, the FFA, or Advisor for a similar organization or educational
11 project. The documentation must state the nature of the project, the
12 number of roosters required by the project, the breed of each rooster, the
13 duration of the project, the purpose for keeping the roosters, and the
14 address where the roosters are kept and maintained;
- 15 3. The roosters on the property are designated in the 4-H, FFA, or similar
16 organization or educational project documentation; and
- 17 4. The number of roosters on a single property does not exceed the number
18 of roosters specified in the 4-H, FFA, or similar organization or
19 educational project documentation.

20
21 9.11.050- Impounding.

- 22 A. Any officer may take up and place in the County shelter ("impound" or
23 "impounded" or "impounding" or "impoundment") any unpermitted rooster or
24 rooster which may be found running at large off the premises of the owner and
25 not in the presence of the owner or a member of his family and may take up
26 and impound any rooster which appears to be lost or estrayed and the owner
27 of which cannot be found with diligence. Further, any officer shall have the
28 authority to impound a rooster that poses an immediate threat to public safety
29 or is being kept or treated in an inhumane manner, as determined by the
30 animal control officer.
- 31 B. Any rooster impounded which is not redeemed within a period of six days from

1 the date of the impoundment may be destroyed by the sheltermaster in a
2 humane manner, or if such rooster is saleable, may be sold for cash at private
3 sale without notice and for such price as the sheltermaster deems reasonable
4 and proper. Provided, however, it shall be the duty of the sheltermaster within
5 three days after the impounding of any rooster to mail or deliver a notice of
6 such impounding in a sealed envelope directed to the owner at the address
7 shown by the application therefor on file with the County.

8 C. Any rooster impounded pursuant to the provisions of this Chapter, shall be
9 held by the sheltermaster for owner redemption or adoption/sale for a period
10 of at least six county business days, not including the day of impoundment.
11 The first three days of the holding period will be exclusively for owner
12 redemption. If such rooster is not redeemed/adopted/sold within the holding
13 period herein, the rooster may be destroyed by the sheltermaster in a humane
14 manner. Provided, however, it shall be the duty of the sheltermaster to post
15 on the day of impoundment outside of the county shelter or on a public website
16 or internet platform, in a conspicuous place, notice of impoundment of the
17 rooster.

18 D. Any rooster impounded pursuant to the provisions of this Chapter that was
19 found to be a part of a cockfighting organization and/or had been inhumanely
20 physically altered, shall be destroyed immediately upon determination by the
21 peace officer(s) responsible that all evidence has been collected.

22 E. When any rooster is sold or adopted by the sheltermaster it shall be their duty
23 to deliver to the purchaser, of such rooster a statement in writing, which
24 statement shall contain a description of the rooster sold, the date when the
25 rooster was impounded, the date of sale/adoption, and the amount of the
26 purchase price, if any. The sheltermaster shall retain a duplicate of all
27 statements issued by him or her in connection with the sale/adoption. All
28 sales/adoptions made under the provisions of this section shall convey a good
29 and valid title to the purchaser/adopter, and the previous owner of the rooster
30 so sold/adopted shall thereafter be barred from all right to recover the same.

31 F. The owner or person entitled to the possession of any rooster impounded may

1 at any time prior to its sale, adoption, or disposal as provided in this Chapter
2 redeem the same, unless the rooster is irremediably suffering from a severe
3 illness or severe injury. Such person desiring to redeem a rooster shall deliver
4 to the sheltermaster a statement on a form prepared by the sheltermaster
5 which shall contain a description of the rooster sought to be redeemed, the
6 name and address of the claimant, and the statement that he is the owner of
7 such rooster. It shall be the duty of the sheltermaster to issue to such person
8 a written statement containing the name and address of the claimant, a
9 description of the rooster redeemed, the date when the rooster was
10 impounded, and accrued fees for its redemption, care and accrued license
11 fee, if any, which statement shall serve as a certificate of redemption and
12 receipt for the fee paid. The sheltermaster shall keep duplicates of all
13 statements issued.

- 14 G. During such time as any agency, society or organization is conducting the
15 county shelter in pursuance of the provisions of [9.04.020](#), it is authorized to
16 establish a redemption fee for roosters redeemed from the county shelter
17 together with a fee for the reasonable cost of the care and boarding of such
18 roosters while impounded ("boarding charge") and to sell unclaimed roosters
19 for such price as the sheltermaster deems reasonable and proper as provided
20 in Section D. above, provided, however, that the redemption fee and boarding
21 charge shall not exceed such amounts as may be set forth in the then current
22 contract between the county and any agency, society or organization and
23 provided further that all such monies may be retained by the agency, society
24 or organization for its use and benefit.

25
26 9.11.060 - Violations.

- 27 A. Any law enforcement officer, humane officer, or any person authorized by
28 the County to enforce this ordinance by issue an administrative citation to
29 the property owner, owner or caretaker of the roosters, and any person
30 occupying or leasing the property or premises of another for violation of this
31 Chapter.

- 1 B. Notwithstanding any other provision of this Code, Animal Control Officers
2 shall be authorized enforcement officials for purposes of investigating and
3 issuing administrative citations related to the unlawful possession, keeping,
4 or maintenance of roosters in violation of applicable zoning district
5 regulations as set forth in Title 17 of the Fresno County Ordinance Code.
- 6 1. This authority shall include the issuance of administrative citations
7 under Chapter 1.13 of this Code, and the referral of violations for
8 nuisance abatement or further enforcement action. Animal Control
9 Officers are further authorized to enter private property in accordance
10 with applicable laws to determine compliance with this chapter and
11 related zoning provisions concerning prohibited or limited animal uses.
- 12 C. A property owner, owner or caretaker of the roosters, or any person
13 occupying or leasing the property or premises of another, who violates any
14 provision of this chapter, is guilty of an infraction. Each day, or any portion,
15 a violation exists, may be a new and separate offense. Violations will be cited
16 as follows:
- 17 1. For the first citation, a fine of up to one hundred dollars (\$100) for each
18 violation;
- 19 2. For the second citation, a fine of up to two hundred dollars (\$200) for
20 each violation;
- 21 3. For the third citation, a fine of up to five hundred dollars (\$500) for each
22 violation;
- 23 D. Notwithstanding subsections A, B, and C, the District Attorney may file a
24 misdemeanor for any violation of this chapter. In addition, the County
25 Counsel may seek any legal or equitable relief as permitted by law.
- 26 E. The County may revoke any permit issued pursuant to this Section upon
27 a finding that the permit holder has violated its terms and conditions. Such
28 finding shall be made after an administrative hearing pursuant to Chapter
29 1.13 of this Code.
- 30 F. Any appeal of a civil penalty imposed for a violation(s) of this Chapter will
31 require following the procedures described in Chapter 1.13 of this Code.

1
2 Severability

3 If any section, subsection, sentence, clause, word, or phrase of this ordinance is
4 held to be unconstitutional or otherwise invalid for any reason, such decision shall not
5 affect the validity of the remainder of this ordinance. The Board of Supervisors hereby
6 declares that it would have passed this ordinance, and each section, subsection, sentence,
7 clause, word, or phrase thereof, irrespective of the fact that one or more sections,
8 subsections, sentences, words, or phrases be declared invalid or unconstitutional.
9

10 Effective Date

11 This ordinance shall take effect (the "Effective Date") and be in force and effect
12 thirty (30) days after the second reading hereof by the Board of Supervisors and its
13 passage.

14 The foregoing was passed and adopted by the following vote of the Board of
15 Supervisors of the County of Fresno this _____ day of _____, 2025, to wit:

16 AYES:

17 NAYES:

18 ABSENT:

19 ABSTAINED:
20

21 _____
22 Ernest "Buddy" Mendes
23 Chairman of the Board of Supervisors
of the County of Fresno

24 Attest:

25 Bernice E. Seidel
26 Clerk of the Board of Supervisors
County of Fresno, State of California

27 By: _____

28 Deputy