

ORDINANCE NO. 5032

**AN ORDINANCE OF THE CITY OF BAKERSFIELD ENACTING
CHAPTER 6.09 OF THE BAKERSFIELD MUNICIPAL CODE RELATING
TO HENS.**

BE IT ORDAINED by the Council of the City of Bakersfield as follows:

SECTION 1.

Chapter 6.09 of the Bakersfield Municipal Code is hereby enacted to read as follows:

Chapter 6.09 HENS

6.09.010 Definitions.

6.09.020 Zoning Districts allowed.

6.09.030 Property Owner/Resident use only.

6.09.040 Number of hens allowed.

6.09.050 Enclosures.

6.09.060 Odor and noise impacts.

6.09.070 Feed and water.

6.09.080 Hens at large.

6.09.090 Prohibited acts.

6.09.100 Penalty.

6.09.010 Definitions.

For purposes of this Code, the following words and phrases shall have the following meanings:

- A. "Fowl" means a duck, goose, rooster, turkey, or other poultry, except a hen.
- B. "Hen" means a female chicken (subspecies *Gallus gallus domesticus*), specifically excluding a male chicken or rooster.
- C. "Coop, Enclosure, Henhouse, or Hen Tractor" mean a structure that allows for securely locking hens in at night. A henhouse is stationary while a hen tractor is moveable. An enclosure or coop could refer to either.
- D. "Rear yard" means an open unoccupied space on the same lot with the main building between the rear line of the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto and the rear line of the lot and extending the full width of the lot.
- E. "Rooster" means a male chicken (subspecies *Gallus gallus domesticus*).

6.09.020 Zoning Districts allowed.

- A. Hens are permitted on property zoned R-1 (One-Family Dwelling), as that zone is defined in Title 17 of this Code.
- B. Hens are permitted on property zoned R-S (Residential Suburban), as that zone is defined in Title 17 of this Code.
- C. Hens are permitted on property zoned RH (Residential Holding), as that zone is defined in Title 17 of this Code.
- D. Hens are permitted on property zoned A (Agricultural), as that zone is defined in Title 17 of this Code.

6.09.030 Property Owner/Resident use only.

- A. The sole purpose of a hen is for egg laying and/or pet companionship.

6.09.040 Number of hens allowed.

The maximum number of hens allowed per rear yard is based on the set back requirement of a hen enclosure and is as follows:

- A. Up to four hens may kept in a rear yard, provided that an enclosure is located at least 10 feet away from any offsite residential building.
- B. Up to six hens may kept in a rear yard, provided that an enclosure is located at least 15 feet away from any offsite residential building.
- C. Up to eight hens may kept in a rear yard, provided that a coop is located at least 20 feet away from any offsite residential building.
- D. Up to twelve hens may kept in a rear yard, provided that a coop is located at least 30 feet away from any offsite residential building.

6.09.050 Enclosures.

- A. Every hen must be kept in an enclosure or fenced area at all times. This includes a fenced rear yard.
- B. Every hen must be secured within a henhouse or hen tractor during non-daylight hours.



- C. Every enclosure must be kept clean, dry, odor-free, and sanitary at all times.
- D. Every enclosure must provide adequate ventilation and water.
- E. Every enclosure must provide adequate exposure to sun and shade.

6.09.060 Odor and noise impacts.

- A. Hen manure, hen odor, or other hen related substances shall not be perceptible beyond the property boundaries such that it would cause discomfort or disturb persons.
- B. Hen noise shall not be loud enough beyond the property boundaries such that it would cause discomfort or annoyance.

6.09.070 Feed and water.

- A. Every hen shall be provided with access to feed and clean water in a manner that provides for their good health and basic needs.
- B. Hen food shall be stored in a sealed plastic or metal container that has a secure lid.

6.09.080 Hens at large.

- A. The owner shall not allow any hen to roam outside of an enclosed rear yard.

6.09.090 Prohibited acts.

- A. The keeping of any hen on undeveloped land is prohibited.
- B. Hen breeding for resale purposes is prohibited in R-1 and R-S Zones.
- C. Hen fertilizer production for resale purposes is prohibited in R-1 and R-S Zones.
- D. Hen egg production for resale purposes is prohibited in R-1 and R-S Zones.
- E. It shall be unlawful for any person to keep a hen in violation of any provision of this Chapter or any provision of the Bakersfield Municipal Code.

6.09.100 Penalty.

- A. Violation of any provision of this Chapter may be punishable as an infraction, misdemeanor or administrative penalty as set forth in Chapter 1.40 of the Bakersfield Municipal Code or any other remedy under the law.

SECTION 2.

This Ordinance shall be posted in accordance with the provisions of the Bakersfield Municipal Code and shall become effective thirty (30) days from and after the date of its passage.

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I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted, by the Council of the City of Bakersfield at a regular meeting thereof held on OCT 21 2020 by the following vote:

AYES
NOES
ABSTAIN:
ABSENT:

COUNCILMEMBER: [✓]RIVERA, [✓]GONZALES, [✓]WEIR, [✓]SMITH, ~~FREEMAN~~, SULLIVAN, ~~PARDER~~
COUNCILMEMBER: PARDER, WEIR, FREEMAN
COUNCILMEMBER: NONE
COUNCILMEMBER: NONE

Julie Drimakis for

JULIE DRIMAKIS, CMC
CITY CLERK and Ex Officio Clerk of the Council
of the City of Bakersfield

APPROVED: OCT 21 2020

By: *Karen Goh*

KAREN GOH
Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By: *Viridiana Gallardo-King*

VIRIDIANA GALLARDO-KING
Deputy City Attorney

VGK/vlg

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AFFIDAVIT OF POSTING DOCUMENTS

STATE OF CALIFORNIA)
County of Kern) ss.
)

JULIE DRIMAKIS, being duly sworn, deposes and says:

That she is the duly appointed, acting and qualified City Clerk of the City of Bakersfield; and that on the 26TH day of October, 2020 she posted on the Bulletin Board at City Hall, a full, true and correct copy of the following: Ordinance No. 5032, passed by the Bakersfield City Council at a meeting held on the 21st day of October, 2020 and entitled:

AN ORDINANCE OF THE CITY OF BAKERSFIELD ENACTING CHAPTER 6.09 OF THE BAKERSFIELD MUNICIPAL CODE RELATING TO HENS.

JULIE DRIMAKIS, CMC
City Clerk and Ex Officio of the
Council of the City of Bakersfield

By: _____
DEPUTY City Clerk

