

DRAFT

ORDINANCE NO. XX-2022

**AN ORDINANCE OF THE CITY OF FREMONT
AMENDING FREMONT MUNICIPAL CODE SECTIONS
6.10.030, 6.10.040, 6.10.070, 6.20.010, 6.30.040, 6.30.060,
6.40.030, 6.40.040, AND 6.50.040 AND ADDING SECTIONS
6.10.130, 6.40.025, AND 6.40.035**

THE CITY COUNCIL OF THE CITY OF FREMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. FMC TITLE 6, ANIMALS, CHAPTER 6.10, SECTION 6.10.030

Fremont Municipal Code Title 6, Chapter 6.10, Section 6.10.030 is amended to read as follows:

Section 6.10.030 Livestock.

On real property zoned residential, a pet owner may not keep any ~~livestock or~~ roosters ~~or livestock, except goats (caprine type) with an animal fancier permit pursuant to (Chapter 6.40.).~~

SECTION 2. FMC TITLE 6, ANIMALS, CHAPTER 6.10, SECTION 6.10.040

Fremont Municipal Code Title 6, Chapter 6.10, Section 6.10.040 is amended to read as follows:

Section 6.10.040 Chickens, rabbits, pigeons, doves.

On real property zoned residential with an area of more than 6000 square feet, a pet owner may keep up to six (6) ~~female~~ chickens, rabbits, pigeons, and doves, unless a permit is issued under Chapter 6.40. A maximum of two (2) species of those animals allowed under this section may be kept on one lot. ~~On real property zoned residential with an area of fewer than 6000 square feet, a pet owner may not keep chickens, rabbits, pigeons or doves and may only keep two rabbits, pigeons or doves.~~

SECTION 3. FMC TITLE 6, ANIMALS, CHAPTER 6.10, SECTION 6.10.070

Fremont Municipal Code Title 6, Chapter 6.10, Section 6.10.070 is amended to read as follows:

Section 6.10.070 Shelter and shelter maintenance requirements.

- (a) Any animal maintained outdoors must have adequate shade or shelter such that the animal can protect itself from the rays of the sun when the ambient temperature is likely to cause overheating or discomfort, and the animal can remain dry during rain.

(b) The shelter for any animal must be:

- (1) Accessible to the animal at all times;
- (2) Constructed with at least five sides, including a roof and floor;
- (3) Of adequate size inside and outside the shelter to allow the animal to stand up, sit, turn around freely or lie down in a normal position;
- (4) The animal shall be able to defecate and urinate away from the shelter; Adequately lighted to provide regular diurnal lighting cycles of natural or artificial light uniformly diffused throughout the shelter, and sufficient illumination for routine inspections and maintenance of the animal;
- (5) Situated to prevent exposing the animal to (1) unreasonably loud noise or (2) teasing, abuse, or injury by another animal or person; and
- (56) Supplied with clean and dry bedding material or other means of protection from the weather elements.

(c) The animal shall be able to defecate and urinate away from the shelter;

(d) Wherever animals are permitted to be kept or maintained in the City, no person, so keeping or maintaining such animals, shall fail at any time to keep the coops, pens or yards wherein such animals are enclosed in a clean and sanitary condition nor shall fail to remove the manure or other debris from such enclosures daily.

(e) All feed for any animal shall be stored in containers which offer protection against rodents and insects.

(f) No enclosure or shelter shall be located in the front yard of the property where the animals are kept.

SECTION 4. FMC TITLE 6, ANIMALS, CHAPTER 6.10, SECTION 6.10.130

Fremont Municipal Code Title 6, Chapter 6.10, Section 6.10.130 is added to read as follows:

Section 6.10.130 Chickens—Enclosure and shelter.

- (a) The enclosure where chickens are kept must be a minimum size of ten (10) square feet of permeable land per chicken.
- (b) The enclosure where chickens are kept must be located at least a minimum distance away from any other person's residence, as follows:

Number of Chickens	Minimum Distance From Any Property Line	Lot Square Footage
0	n/a	6,000 or less
1-5	10 feet	6,001 - 9,999
6-10	35 feet	10,000 - 21,779
11-15	50 feet	21,780 or more

SECTION 5. FMC TITLE 6, ANIMALS, CHAPTER 6.20, SECTION 6.20.010

Fremont Municipal Code Title 6, Chapter 6.20, Section 6.20.010 is amended to read as follows:

Section 6.20.010 Vaccination of dogs and cats.

(a) Every person who owns, maintains or boards a dog, **three months of age or older**, or cat, four months of age or older, must cause that dog or cat to be vaccinated and revaccinated with a state approved antirabies vaccine within the time periods prescribed by state law or regulation.

(b) {Text unchanged}

(c) {Text unchanged}

SECTION 6. FMC TITLE 6, ANIMALS, CHAPTER 6.30, SECTION 6.30.040

Fremont Municipal Code Title 6, Chapter 6.30, Section 6.30.040 is amended to read as follows:

Section 6.30.040 Redemption of impounded animals.

The animal services manager may recover the cost to impound, board, microchip or alter the animal from either the owner or person with a right to control the animal, in an amount adopted by resolution by the city council. **The animal services manager has discretion to waive these costs in cases of financial hardship if the fees would impose an economic hardship for the owner.**

SECTION 7. FMC TITLE 6, ANIMALS, CHAPTER 6.30, SECTION 6.30.060

Fremont Municipal Code Title 6, Chapter 6.10, Section 6.30.060 is amended to read as follows:

Section 6.30.060 Disposition of impounded animals.

(a) The city may decide disposition of an impounded animal that is not retrieved by its owner within **three (3) four (4) business** days, not including the day of impoundment.

(b) {Text unchanged}

SECTION 8. FMC TITLE 6, ANIMALS, CHAPTER 6.40, SECTION 6.40.025

Fremont Municipal Code Title 6, Chapter 6.40, Section 6.40.025 is added to read as follows:

Section 6.40.025 Chickens

On real property zoned residential, a pet owner shall obtain a permit pursuant to this chapter to have more than six (6) chickens. The number of such chickens allowed shall be based on lot size as follows:

- (1) Lots with an area of 10,000 square feet or more, not more than 10 chickens.
- (2) Lots with an area of one-half acre or more, not more than 15 chickens.

SECTION 9. FMC TITLE 6, ANIMALS, CHAPTER 6.40, SECTION 6.40.030

Fremont Municipal Code Title 6, Chapter 6.40, Section 6.40.030 is amended to read as follows:

Section 6.40.030 ~~Chickens,~~ Pigeons, doves, and rabbits limitation.

- (a) On real property zoned residential, a pet owner shall obtain a permit pursuant to this chapter to have more than six (6) ~~chickens,~~ pigeons, doves, or rabbits.
- (b) The number of such animals allowed shall be based on lot size as follows:
 - (1) Lots with an area of 10,000 square feet or more, not more than ten (10) of one species of animal.
 - (2) Lots with an area of one-half acre or more, not more than fifteen (15) of one species of such animal.
- (c) A maximum of two (2) species of those animals allowed under this section may be kept on one lot.

SECTION 10. FMC TITLE 6, ANIMALS, CHAPTER 6.40, SECTION 6.40.035

Fremont Municipal Code Title 6, Chapter 6.40, Section 6.40.035 is added to read as follows:

Section 6.40.035 Goats.

- (a) Exactly two (2) live goats may be kept only on a residential property with a lot size of 10,000 square feet or more within the City.
- (b) All goats shall be microchipped.
- (c) Food produced by live goats shall be for personal consumption only by members of permittee's household, and shall not be sold, donated or otherwise distributed to any other person.
- (d) Male goats shall be neutered.
- (e) No person shall keep or maintain any goat in the City within ten feet (10') of any property line.

(f) The enclosure must be a minimum size of two hundred fifty (250) square feet of permeable land for the keeping of two (2) miniature goats (commonly known as pygmy and dwarf goats), or five hundred (500) square feet of permeable land for the keeping of any other combination of miniature and non-miniature goats.

SECTION 11. FMC TITLE 6, ANIMALS, CHAPTER 6.40, SECTION 6.40.040

Fremont Municipal Code Title 6, Chapter 6.40, Section 6.40.040 is amended to read as follows:

Section 6.40.040 Beekeeping.

(a) It is unlawful to maintain any hive of bees on any lot or parcel within the city without first obtaining a permit in accordance with this chapter.

(b) No more than four (4) beehives may be established or maintained on any residential property within the City. The number of such animals allowed shall be based on lot size as follows:

~~(1) Lots with an area of one half acre or more, not more than five (5) beehives.~~

~~(2) Lots with an area of 10,000 square feet or more not more than three (3) beehives.~~

~~(3) Lots with an area of 8,000 square feet or more not more than two (2) beehives~~

~~(4) Lots with an area of 6,000 square feet or more not more than one (1)~~

~~(5) Lots with an area of less than 6,000 square feet shall not be allowed to have any beehives.~~

(c) No beehive may be kept or maintained within any required front or side yard setbacks.

(d) All beehives must be maintained at least five (5) feet from the fence line.

(e) All bee colonies must be maintained properly to prevent bees from swarming.

(f) All beehives must be provided a source of fresh clean water on the same lot or parcel as the hive.

(g) Any person intending to establish or maintain any beehive on any residential property within the City must first register with the County of Alameda and provide a copy of such registration to the Animal Services Manager.

(h) Beehive entrances shall face away from the nearest property line(s).

(i) Beehives must either be screened so that the bees must fly over a six-foot barrier, which may be vegetative, before leaving the property, or be placed at least eight feet (8') above the adjacent ground level.

(k) Beehives are not permitted on multi-family balconies or patios.

(l) A beehive shall be located a minimum of 25 feet from any dwelling on an adjacent property.

SECTION 12. FMC TITLE 6, ANIMALS, CHAPTER 6.50, SECTION 6.50.040

Fremont Municipal Code Title 6, Chapter 6.50, Section 6.50.040 is amended to read as follows:

(a) {Text unchanged}

(b) The dog owner or person with a right to control a dog must keep the dog under direct physical restraint by means of a leash not to exceed six feet in length when the dog is on any public street, public sidewalk, other public place, event on public property, or at any private place or property or common area of any planned development cluster, townhouse, or on any condominium project without the consent of the owner or person in control thereof. ~~An exception for a leash of up to 20 feet in length may be used when in a public park or public open space if the owner or person with a right to control the dog can exercise direct physical restraint of the dog such that the dog would be unable to make physical contact with another person or with an animal without the consent of that person or the consent of the owner or person with the right to control the other animal. This exception does not apply to a dog on a public trail. A dog on a public trail must be maintained on a leash not to exceed six feet; and both the owner and his or her dog must keep to the right of the trail centerline to the extent the centerline is marked.~~

(c) {Text unchanged}

SECTION 13. CEQA

The amendments to the Animal Ordinance, an administrative government activity, is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendments to the Animal Ordinance will clearly not have a significant effect on the environment and, thus, CEQA does not apply.

SECTION 14. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Fremont hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 15. EFFECTIVE DATE

This Ordinance shall take effect and will be enforced thirty (30) days after its adoption.

SECTION 16. PUBLICATION AND POSTING

The City Clerk has prepared and published at least five days before the date of adoption, a summary of this ordinance once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont. A certified copy of the full text of the ordinance was posted in the office of the City Clerk since at least five days before this date of adoption. Within fifteen (15) days after adoption of this ordinance, the City Clerk shall cause the summary to be published again with the names of those City Council members voting for and against the ordinance; and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

* * *

The foregoing ordinance was introduced before the City Council of the City of Fremont at the regular meeting of the City Council, held on the ____ of ____, 2022 and finally adopted at a regular meeting of the City Council held on the ____ day of ____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney