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CITY OF PLACERVILLE
COMMUNITY DEV. DEPT.

July 15, 2016

To: Placerville Planning Commission; Mr. Peter Wolfe, Chair; Mr. Daniel Robey, Vice-Chair;
Mr. Michael Frenn; Mr. John List; George Lowry inquirer

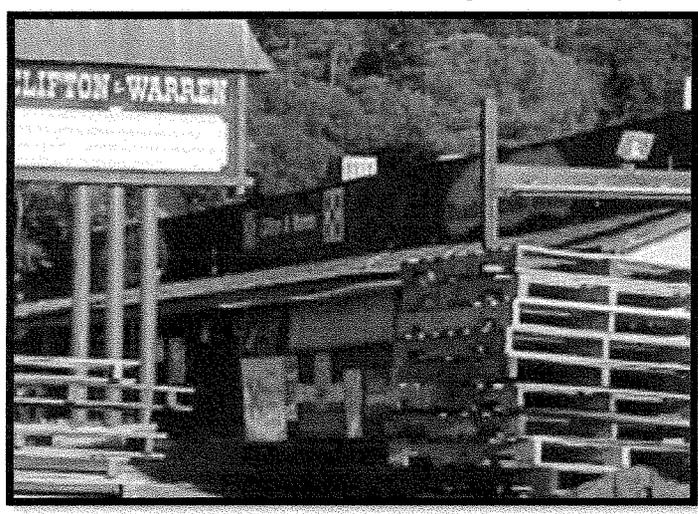
Chicken Ordinance

The choice you face is not merely whether to recommend that that the City Council adopts or does not adopt a new ordinance related to having live poultry but includes recommending that the present law be repealed. I believe that is the best and most appropriate option, given that the present ordinance has been largely ignored and any new measure would likely result in more lawlessness. The Sacramento City Council voted early this year to get rid of their ban on roosters after finding that the ban had proved senseless and also in conflict with marking themselves as the farm to table capitol of the world. The proposed replacement, as well as the ordinance that is proposed to take its place, is replete with problems described below.

The Present Law Ignored on Massive Scale - Repeal The Current Ordinance

The present ordinance is widely violated in open and notorious ways. **Clifton & Warren** at 574 Placerville Drive has since 1929 been openly in possession of chickens and other live poultry throughout that entire time, nearly 90 years. The city has never sought to enforce the present ordinance against this or any other one of a number of sellers of live poultry in town, even though even the mere possession of clearly violates the city's anti-check law in very open and notorious ways. The city knows about these unlawful practices has never sought to enforce the law.

Note the photograph on the right from *The Mountain Democrat* in 2013 showing a small boy with



a baby duck at **Clifton & Warren** is proof that the city knows that the present law is widely

violated; as everybody does. Having docks is not permitted with the present law or the proposed replacement.

The **Placerville Tractor Store** at 1360 Broadway has photos on their website proudly telling the story of how they sell live poultry. And not just chickens but as the photo on the right shows, ducks too which would still not be permitted to have in this town even with the proposed new ordinance. Why pass one more ordinance that will likely be ignored even more than the one we have?



Home Depot, like a number of stores in Placerville, sell chicken coops and sheds that are well over 120 square feet but the city has taken no steps to enforce current building codes related to those structures. Can you imagine the city serving t **Home Depot** with a subpoena for records of those in the city who purchased these products without getting building permits? No. After all, **Home Depot** is well within the top two generators of sales tax revenue for the city.



Clifton & Warren, the **Tractor Store**, and a number of other businesses in the city do a substantial business in poultry sales from which the city derives significant sales tax revenue, so

it would be loath to bite the hand that feeds the city treasury. And do you really think the city would ever consider taking the duckling away from that happy child shown in the local newspaper? No, the city looks the other way and the violation of our local laws would be even greater when even more folks start owning poultry. Is that the message we want to give the people of this community, to our children growing up in this town? We should hope not.

Proposed Chicken Ordinance Fraught with Problems

The proposed ordinance, to permit possession of up to four hens with strict rules that pose even more problems than the present bad law. Imagine, if you make a chicken coop that is more than 120 square feet you will have to get a building permit at a cost that can be greater than the cost of the coop. Would public health and safety be protected by insuring that the shelter for four hens weighing much less than 20 for the whole bunch?

Does the city really have the resources to go out to every home that has been buying or building coops and sheds here for more than a hundred and fifty years to see if they have building permits? And if you have a heat lamp in the coop to take care of chicks during their early weeks, [they have to be kept at about 95 degrees] then that means you have to have an electrical contractor.

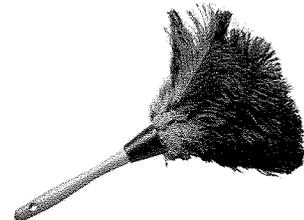
One commissioner proposed at the last hearing that chicken coops should be painted. Why? I offered the staff a collection of chicken coops showing how incredibly diverse they can be including many are made of redwood and reclaimed lumber that often sell for much more than painted coops. Depending on the setting, the non-painted structures can look more attractive than those that are painted. There is nothing in this record that shows any public interest in mandating painted over non-painted.

Chicken Waste and Feathers Nonsense

The proposed law also requires you to pick up feathers and "chicken waste" in an "air tight container" within 24 hours. What? Do they think you can use plastic bags to pick up chicken manure as you would your French poodle? Does that requirement make sense when residents now buy a couple 40 pound bags of chicken manure from your local nursery and use fertilizer spreader to do what your free range chickens do Then should we have an ordinance to ban the sale and use of chicken manure in



the city? And if the issue is about attracting flies, require residents to pick up fallen fruit that rots and attracts fruit flies and other pests. While the city is at it are, why not have a law against feather dusters since they are made to be used in some nasty, unhygienic places. Pass this ordinance and the city will be the subject of jokes like about how the city does not know chicken stuff from Shinola.



Roosters

Chickens are not all the same nor act the same. I measured their sound and my Rhode Island Red rooster has a crow that lasts for one second and measures 60 decibels. Racing at the fair grounds on the weekend registers in at 70 decibels from more than one mile away and the Brew Fest on Main Street had band performances registered in at a whopping from as far away as two residential apartments on that street. Why pass a law with cookie-cutter solutions when the problem is largely only imagined, not supported by evidence in this record. And if crowing is the problem, why not permit ducks and small turkeys, some breeds being as small as chickens, since they do not crow. After all, the evidence above shows that ducks are sold in this town.

Roosters help protect the flock. I did not plan on having the one I have, it was sold with other chicks as a female bird and started to show its gender clearly by about ten months. And it is very difficult to have more than one at a time because they fight. I feel very badly because I lost a newly acquired very beautiful Chochen, a very docile breed, one people walk around with dog harnesses they are so gentle, one that is hardly a threat to a peaceful neighborhood. The two did their Kabuki dance with a fence between them, I should have known the other rooster would attack him. Oh, and one breed I have that produces blue eggs when crossed with a chicken that produces chocolate brown eggs, that I have, produces a chicken that lays green eggs, for those that like their Dr. Seuss ham and green eggs.

A Non Fenced Option

Free ranged chickens produce eggs that will actually lower cholesterol. Sounds strange to most but look it up, the literature, my doctor and my lab results show it does. Free range chickens have a wider natural diet and produce eggs high in Omega 3 instead of Omega 6 for chickens who spend their lives in tiny caged boxes eating corn and soymeal all day. My cholesterol dropped from 144 down to 117 in one year and the only diet change was eating one to two free range eggs each day. [It was 115 when tested two days ago.] There is nothing in the record to support a need to have them fenced in within your property. If they do not wonder away, it should not warrant legal force of the state.

Bad Public Policy – Repeal of Present Law Needed

In this record, we know that the Planning Commission has received only two complaints. That's it. And since one of the two complaints had the name blocked out, they could both be from the same person. In both cases, the facts presented included all of the elements of common law nuisance and the woman who spoke qualifies for free legal services from Senior Legal Services. So why pay taxpayer money for bureaucrats to handle anonymous complaints that divide us as community, neighbor against neighbor, contrary to the historic values of this community where we help each other directly, not like in another place and another time when allegiance to the state was supreme, turn in your sister, father, neighbor, Anne Frank, anonymously. Born at about the same time as a television I grew up watching lots of documentaries about the horrors of the Nazi state and about it was at odds with American values, neighbor helping neighbor, a principle I grew up with in this town just as my parents and their parents.

These laws, the city says, are complaint-driven. Translation; Go ahead, ignore city laws, violate them, until and unless a complaint is made. Isn't that a horrible message to be giving the public, especially to our children growing up in this community? What are we teaching them? People have poultry in this city and always have, some because they are not aware that it is against the law and others they know it is illegal and knowingly ignore. Still others would have them if re it, others because they are not aware that it is against the law.

History of Chicken and the Eggs

As we are about to welcome large numbers of people from all over for the World Championship Gold Panning Contest, it is good to remember that eggs and chickens have been an important part of our heritage, the legend of Hangtown Fry created when a miner struck it rich and went into what is now known as the Carry House and asked the chef to prepare the most expensive meal he could for this celebration and in those days fresh eggs, versus pickled, were hard to come by and even more so for fresh live oysters brought up from the bay. That omelet of fried fresh oysters with bacon and onions has been on the menu of the Taddish Grill in San Francisco that has been in continuous operation since 1849. And the famous chef Jose Andres [also famous for being involved in a current lawsuit with Donald Trump] has the Hangtown Fry on the menu of one of his Washington DC restaurants. Is this the time when we want the further embarrassment of having some well-intentioned newcomers cooked up this crazy chicken ban in the mistaken belief that Placerville "is too urban" to have them? It seems to some to be especially embarrassing since the Sacramento City Council last year got rid of their ban of having roosters in the city, finding among other things that it was at odds with them parking Sacramento as the farm to fork capitol of the world. [The history of this gold rush egg dish and recipes is on the city website.]

Chickens have always been all over this town and the whole county. My great grandfather raised chickens on this property, had a coop that looked to me as a small boy like a smaller house in size. [My grandfather later converted it to a poker shake where Doc Sciracco and other cronies came to what we would now call a "man cave" to play cards each week.] My aunt and uncle had chickens at their home right above the freeway on the hill between Canal and Spring Streets and that is where I learned first-hand the origin of the phrase, "Running around like a chicken with its head cut off." A family on the hill on between Spring and Coloma has what looked to me like a large flock, mostly Rhode Island Reds. A large number of families have them now and always have in this town. The notion that Placerville is "too urban" to have what we have always had, and still have despite the present ordinance, is nonsense, contrary to our history and our values. If we have a nuisance ordinance, but why come up with one more solution in search of a problem that does not exist.

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