

Modoc County, CA Code of Ordinances

THE MODOC COUNTY CODE - 1984

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STATUTORY REFERENCES FOR CALIFORNIA COUNTIES

ORDINANCE LIST AND DISPOSITION TABLE

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Chapter 18.86 - ANIMAL RESTRICTIONS (AR) ZONE

Sections:

18.86.010 - Purpose.

The AR zone is an overlay zone and is intended to be applied in combination with other zones for the purpose of protecting the public health, safety, welfare, comfort, and convenience by restricting the keeping of animals in areas reserved for medium or high density residential uses. The AR zone may also be applied in other situations or areas where uses or densities may not be compatible with more permissive animal controls.

(Ord. 236-73 Exh. A(part), 1991)

18.86.020 - Applicability.

The regulations set out in this chapter shall apply in all AR zones, and shall by this reference apply in all areas to which the RH zone is applied. The regulations set forth in this chapter governing the keeping of animals shall apply to the following uses:

- A. The keeping of all animals, except dogs, cats, or other common domestic pets, except as provided under subsection C of this section. For the purposes of this zone, animal-keeping includes housing, stabling, or feeding of animals, whether on a full-time, part-time, occasional, or temporary basis.
- B. When the circumstances of the property do not allow animal-keeping, the regulations in this chapter shall not preclude the use of the property for limited periods of time in any one day for the grooming, riding, training, or similar activities involving animals under the

ownership of persons owning, renting, or leasing the subject property, provided such use shall not create a nuisance.

- C. Notwithstanding subsection A of this section, the keeping of dogs, cats, or other common domestic pets shall not create a nuisance and shall be subject to the provisions of Sections [18.86.050](#) through [18.86.070](#) of this chapter.
- D. The use of property for the purposes and uses described in subsections A, B and C of this section may be vacated, pursuant to [Section 18.86.070](#).

(Ord. 236-73 Exh. A(part), 1991)

18.86.030 - Lot size determinations.

For the purpose of complying with [Section 18.86.040](#), the following criteria shall apply to the lot size determination:

- A. All areas included in public use roads or road easements shall be excluded.
- B. The area included shall consist of a contiguous area with a minimum width of at least fifty feet. For the purposes of this section, portions of the subject property shall not be deemed "contiguous" if separated by public use roads or road easements, railroad rights-of-way, natural or man-made watercourses, or other impediments which cause a barrier between portions of the property.
- C. All contiguous land under the legal ownership, lease, or rent by the same person may be included.

(Ord. 236-73 Exh. A(part), 1991)

18.86.040 - Minimum lot size.

- A. One adult horse, steer, cow, mule, or similar size animal shall require a minimum lot size of one acre. Each additional adult horse, steer, cow, mule, or similar size animal shall require an additional ten thousand square feet. The offspring borne to each adult animal on the subject property shall be allowed until the age of six months. In connection with the keeping of animals as provided in this subsection, an enclosure shall be required as follows: An area approximately fifty feet by fifty feet, excluding structures, shall be required for the keeping of one adult horse, steer, cow, mule, or similar size animal. The enclosure area shall be doubled for each additional adult animal allowed by this subsection. The keeping of animals as provided in this subsection shall extend only to animals under the ownership of persons owning, renting, or leasing the subject property.
- B. One adult goat, swine, sheep, or similar size animal shall require a minimum lot size of ten thousand square feet. Each additional adult goat, swine, sheep, or similar size animal shall require an additional five thousand square feet. The number of young, under six months of

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age, shall not exceed one litter or brood borne to each adult animal on the subject property. In connection with the keeping of animals as provided in this subsection, an enclosure shall be required as follows: An area approximately twenty-five feet by twenty-five feet, excluding structures, shall be required for the keeping of not more than two goats, swine, sheep, or similar size animal. The enclosure area shall be increased by an area of approximately twenty-five feet by twenty-five feet for each additional adult animal allowed by this subsection.

- C. One adult turkey, chicken, duck, goose, rabbit, or similar size animal shall require a minimum lot size of five thousand square feet, provided that when the minimum lot size requirement is met, the keeping of not more than five adult turkeys, chickens, ducks, geese, rabbit, or similar size animals shall be permitted. Each additional adult turkey, chicken, duck, goose, rabbit, or similar size animal shall require an additional five hundred square feet. The number of young, under six months of age, shall not exceed one litter or brood borne to each adult animal on the subject property.
- D. Snakes, reptiles, or wild or exotic animals, or any other animal which is not normally domesticated in the State of California shall be regulated as provided in this subsection and pursuant to the animal restrictions in this chapter. Animals which are similar in size to the classes of animals set forth in this section shall be regulated in the number set forth for such similar animals in this section. The maximum number of other animals regulated by this subsection which do not fall within the size classes in this section shall be five, except that the keeping of bees shall not be allowed in the RH zone. Such other animals shall be kept caged at all times.

(Ord. 236-73 Exh. A(part), 1991)

18.86.050 - Setbacks and yards.



No enclosure, corral, barn, stable, coop, or similar accessory structure used or intended to be used for animal shelter or feeding, or the storage of feed, or in conjunction with the keeping of animals regulated by this chapter shall be placed or erected less than one hundred feet from any well, unless a lesser distance is approved by the health department in individual cases. The yard regulations in [Section 18.110.050](#) shall also apply.

(Ord. 236-73 Exh. A(part), 1991)

18.86.060 - Nuisance conditions.



The keeping of every animal regulated by this chapter shall be in a manner which does not cause a nuisance resulting from any of the conditions set forth in this section. The provisions of [Section 18.86.070](#) shall apply when a nuisance is alleged to exist.

A.

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The accumulation of manure or urine, improper storage or use of feed, neglect of animals, or other improper maintenance of the property in connection with the keeping of animals which causes odors, vectors, or other nuisance conditions; or

- B. Eyesore conditions due to the disrepair of structures in connection with the keeping of animals; or
- C. The degradation of water resources or pollution of any property caused by unhealthy conditions or runoff; or
- D. Any other practice causing any condition which otherwise poses a health hazard or a physical danger to the public, or interferes with the comfortable enjoyment of property in the vicinity.

(Ord. 236-73 Exh. A(part), 1991)

18.86.070 - Nuisance complaints. :

The use of property for the purposes described in subsections A and B of [Section 18.86.060](#) in a manner which causes a nuisance is unlawful. Nuisance complaints may be pursued as specified in this section.

- A. A written complaint that a nuisance is alleged to exist, describing in detail the nature of the nuisance, may be filed with the planning department by any person.
- B. Upon presentation of such written complaint, the planning commission shall hold a hearing at its next regular meeting, after due notice, to determine the merit of the complaint. Notice of hearing shall be as provided in [Section 18.140.050](#).
- C. When the planning commission determines a nuisance exists, the keeping of any animal which constitutes a legal use under the provisions of this chapter shall not be vacated by the planning commission on the first offense by the same property owner; but instead, the primary remedy shall be the correction of such nuisance condition in the manner and within the time period imposed by the commission. If the requirements imposed by the commission are not complied with, the continuation of the nuisance shall constitute a violation of this title, and the commission may, upon its own motion, place the item on the agenda for further consideration after due notice, and may as an additional remedy require the removal of the animal(s) which are the cause of the nuisance conditions which continue to exist.
- D. The decision of the commission may be appealed to the board of supervisors as provided in Chapter 144. Notice shall be given as provided in [Section 18.140.050](#).

(Ord. 236-73 Exh. A(part), 1991)

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