



# CITY AND BOROUGH OF SITKA

*A COAST GUARD CITY*

## **Planning and Community Development Department**

### **AGENDA ITEM:**

Case No: ZA 25-04  
Proposal: Zoning text amendment to prohibiting roosters and secure fowl  
Applicant: Carolyn Nichols  
Location: City and Borough of Sitka  
Legal: N/A  
Zone: CBS City Limits or All Residential Zones

### **KEY POINTS AND CONCERNS:**

- Code will be regulated under Sitka General Code (SGC) 22.20.130 (A): Large Domestic Animals.
- An ordinance will need to be approved by the Assembly.

### **ATTACHMENTS:**

Attachment A: SGC 22.20.130  
Attachment B: SGC Title 8 Animals 8.05.080  
Attachment C: Applicant Materials

## **BACKGROUND**

The proposed zoning text amendment would update SGC 22.20.130, titled “Large domestic animals.” The existing provisions under SGC 22.20.130 regulate the keeping of outdoor domestic animals in residential zones and list the instances in which a conditional use permit is required for the keeping of such animals.

Proposed changes to SGC 22.20.130 would prohibit roosters either within the city limits or within residential neighborhoods. Further, the proposed amendment requires domestic fowl (poultry) to be secured on the owner’s property. Should the commission choose, SGC 22.20.130 may also state the instances in which a citizen could pursue a conditional use permit to keep a rooster.

Animals disturbing the peace by way of noise or other harassment—including trespassing—is enforced under SGC 8.05.080, within Title 8: Animals.

Section A under SGC 8.05.080 states that *“the keeper of any animal shall not allow the animal to disturb a neighborhood or any number of persons by frequent or prolonged barking, howling or other noises on a repeated basis. If an animal barks, whines, howls or makes similar sounds for more than 30 minutes on at least three different days within a 10-day period or for more than 15 minutes during at least three different nights between 10:00 p.m. and 7:00 a.m. within a 10-day period, this is a violation of this chapter. The fine for violating this law is \$25.00.”*

Section E states that *“animals, other than dogs, may be considered “objectionable” by a property owner by being on the property owner’s property. The property owner may file a complaint and/or may use live traps to capture the animal and have it impounded.”*

Further, SGC 8.05.031 states that *“all dogs or other domestic animals found running at large may be impounded in the animal shelter. The keeper or custodian of the domestic animal shall be responsible should the domestic animal be in violation of this section.”* SGC 8.05.010 (A) defines “running at large” as *“an animal who is not under competent voice control or who is unrestrained in violation of SGC 8.05.031 (restraint requirements) and 8.05.032 (off-leash areas).”*

## **ANALYSIS**

The commission has been asked to consider a proposed zoning text amendment regarding the prohibition of roosters and the **securing** of poultry. While the securing of domestic outdoor animals is somewhat addressed in SGC 8.05.031, restraint regulation is specific to dogs and does not speak to the containment of other animals. Further, containment of domestic animals is not specified within 22.20.130.

A review of regulations within other Alaska jurisdictions has shown that code relating to roosters and poultry varies. Kodiak Island Borough Code considers keeping poultry as an accessory use subject to certain standards; Fairbanks North Star Borough prohibits excessively noisy poultry; Anchorage Municipal Code, Haines Borough Code, Wasilla Municipal Code, and Kenai Municipal Code allow for noisy poultry, contingent upon adequate lot size, and with the requirement that poultry be kept away from property lines of adjoining lots.

It should be noted that, though an imperfect description, “mature roosters,” is meant to refer to roosters old enough to begin crowing (about five months old). The sex of chicks can be difficult to determine and it may be burdensome to request chicken owners identify chicks based on traits to which they may be unfamiliar.

Staff suggests discussing the below options:

**Option 1: Broad Prohibition**

The commission may suggest the outright prohibition of mature roosters in all zoning districts. This would have the effect of prohibiting roosters anywhere on the road system, on islands in Sitka Sound, and at Baranof Warm Springs.

**Option 2: Prohibit in Residential Zones**

Another option is to prohibit mature roosters in all residential districts, and to permit them outright in all nonresidential districts. It is notable that there is widespread residential use in our commercial zones (especially C-1, C-2, WD) – if the commission wishes to prohibit roosters in residential areas, there may need to be additional considerations for mixed use zones.

**Option 3: Allowances for Low Density and Island Zones**

The commission may find that the keeping of mature roosters is a suitable conditional use in certain residential zones, but should remain prohibited in others.

Zones in which mature roosters could be allowed by conditional use:

- Large Island (LI) and subdivided General Island (GI)
- R-1 LDMH zoning district
- Potentially SFLD single-family low-density district

Prohibit mature roosters outright in all other residential zones:

- SF single-family residential district
- R-1 single-family and duplex residential district
- R-1 MH single-family, duplex and manufacture home zoning district
- R-2 multifamily residential district
- R-2 MHP multifamily and mobile home district

Permit roosters outright in all other districts.

Further criteria for consideration include enforcement, containment of poultry, and resultant nonconforming roosters:

**Animals Kept Outdoors**

Though the code has provisions for the impoundment of animals that have roamed onto other properties, it does not speak to the containment of domestic animals that are kept outside. The commission may wish to consider adding a requirement that poultry and other outdoor domestic animals be contained by a structure, fenced enclosure, or pen to prevent escape. Such structures would be regulated by the zoning code.

**Nonconformities**

If the Commission were to proceed with prohibiting roosters to any extent, it is almost certain that this will result in noncompliant roosters. Existing roosters prior to the code change would likely need to be considered legal nonconforming uses, expiring upon the death of the roosters. The new code would need to include a provision stating that no new or replacement roosters may be kept or introduced after the ordinance's effective date.

**Enforcement**

Zoning code provisions are enforced by the Planning Department. Other than the issuance of warnings, the enforcement mechanism is a court-ordered injunction. Given the complexity and intensity of this enforcement mechanism, staff would recommend empowering the Animal Control Officer (ACO) to enforce any zoning-related rooster prohibitions. This would require the ACO to humanely destroy noncompliant roosters seized from prohibited zones.

**RECOMMENDATION**

Staff recommends the commission consider the options and possible criteria as outlined in the staff report. The commission may move to direct staff to draft an ordinance (motion required) or request further discussion regarding the maintenance of roosters (motion optional).

**POSSIBLE MOTIONS (not required)**

- 1) **“I move to direct staff to draft an ordinance regarding the prohibition of roosters as outlined during commission discussion.”**
- 2) **“I move to direct staff to provide further information regarding \_\_\_\_\_. ”**