

Alberto Quintanilla

From: Richard Godfrey <richgodfrey77@gmail.com>
Sent: Tuesday, October 4, 2022 6:18 AM
To: citycouncil
Subject: The Animal Code

Dear Fremont City Councilors,

I am writing again as I did last month to urge you to NOT ADOPT the new Fremont Animal Code at the second reading for a number of reasons. It can be revised and greatly improved.

There is a significant population of beekeepers in Fremont. The Fremont Beeks educate and coordinate local beekeepers, and provide valuable services to the community.. The fact that there are only 5 permitted beekeepers reflects only the fact that most beekeepers don't register, which has been the case throughout the Bay Area and the reason that permitting requirements have been dropped in most jurisdictions. I am a registered beekeeper and I serve on the Alameda Bee keepers Swarm team to manage a host of bee related problems for the tri city area and all of the Bay Area.

It seems you did not have time to read our objections to this code before your first vote. I recommend an animal code that directly addresses any concerns neighbors might have, while maintaining the benefits of pollinators to the local environment. I hope that you will at least postpone your decision so that you can better evaluate the regulatory options. I have offered to speak with Chief Sean Washington who has indicated that we can meet soon to discuss a more effective and less costly animal code policy and regulations. Please allow time for stakeholders to participate in the code update process.

Thank you,
Rich Godfrey, MD
Alameda BeeKeepers Association

Alberto Quintanilla

From: Spencer <spencer@spencerhadley.com>
Sent: Tuesday, October 4, 2022 6:52 AM
To: citycouncil
Subject: (No Subject)

Good morning,

I don't like the property line requirements for animals. I'm Fremont dogs and cats are able to walk up to property lines. I don't think there is a good reason to keep goats and chickens farther away than dogs and cats. It's an arbitrary rule. Goats and chickens don't smell when they are well cared for.

Also, I am in the beekeepers group and agree with Phil Stob's letter.

I would like to object to the currently proposed ordinances for Beekeeping in Fremont, and suggest the change to Nuisance Mitigation proposed by Nickie Irvine and Bee Legal. The current proposal makes laws that do not help the honeybees, beekeepers, or the citizens of Fremont, and is basically unenforceable. As we say in Fremont, BEEKEEPING IS NOT A CRIME. This proposal makes many beekeepers in violation with the law, and these are the very citizens that are trying to do good, and are helping to control any honeybee issues in the city.

I'm sure you have read that honeybees, and all bees, are in trouble with the introduction of Varroa Destructor mite, loss of habitat, pesticides and other forces. A managed beehive, and the local bee groups, help ensure that honeybees are treated well, are controlled, and help the environment and are not a nuisance. Bees are crucial to pollination of all the fruits and vegetables being produced by the thousands of Fremont residents, and are part of the web of life that helps make the city healthy.

There are several different bee groups that cover Fremont. The ACBA, (Alameda County Beekeepers Association), which has around 600 members, and has been around for 100 years now. ACBA holds several meetings every month, mostly around education. There is a Fremont Beeks group with 90 members. We meet about 8 times per year to discuss beekeeping practices, and help every one to become a better beekeeper. There is the Local Bee Initiative, a subgroup of ACBA that discusses advanced topics of beekeeping, such as breeding for better local stock, for traits such as docile nature, and mite resistance.

All of these bee groups help local beekeepers to control their hives to prevent swarming, catch swarms that do happen, answer calls for swarms and problem bees, control diseases, and in general help each other out with advise, and support.

I formed the loose knit group of beekeepers here in Fremont we call Fremont Beeks. We have ~ 90 members in our Fremont Beeks Google Group. I estimate the average hive ownership is around 2.6, similar to ACBA (Alameda County Beekeepers Association), and other local beekeepers groups. I speculate that I have only found a quarter of the beekeepers, as I find new ones every year. (A recent story in the American Bee Journal that only 5% of beekeepers nationally belong to a club. I think we are a bit higher in finding and getting people to join. Some people just don't want to join) Judging by the number of swarm calls we get, and the number of swarms I catch, that there are plenty of hives we can't account for. So I'd estimate 500-600

managed hives in Fremont, and 200-300 beekeepers. Of those there are only 5 permitted. Not good percentages no matter which you look at it.

There is no advantage for the bees or the beekeeper, or the citizens of Fremont, to register hives.

So the city has a problem, and we don't have a problem. There are hundreds of unregistered hives, and yet there is no "bee problem" in Fremont. Which brings me to this point; what is the purpose of the ordinance? What will it achieve? What do we hope to achieve with its passing? It surely isn't to raise funds. 5 permits doesn't cover the cost of time it takes to write the legislation or read this email. It doesn't seem to protect the bees, as there is nobody on staff that is a beekeeper that can assess colony health and help me diagnose a sick hive the way a state hive inspector would do. It actually discourages good beekeeping practices. The bee clubs are the ones catching swarms, and removing them from buildings, doing the education, and helping the bees and beekeeping community. I was part of a HoneyBee presentation at Dale on the 17th of September along with 4H kids, and had hundreds of excited kids and parents come and talk about bees. I personally catch between 10-20 swarms every year, and most of our members catch a swarm or two every year. (bees that would otherwise become a nuisance to someone). So what is the reason or intent for implementing an ordinance that has no impact or enforcement?

And how many have been cited? I was recently involved in an unregistered hive situation. A new neighbor got stung, and complained. So we moved the hives the next weekend. Drama over. That might be our only reason to have a permit process that if a neighbor complains, we can stand behind the piece of paper from the city. But how often has that ever happened? But with Nuisance Mitigation, we would do the same thing. If the bees are nuisance, we would correct it. If people are uncomfortable with the bees, we start with education (and honey) and may move them or correct the issue. No beekeeper wants to keep "Mean Bees", and we breed for docile bees. If bees become too aggressive, we change the queen (the genetics of the hive) or move them away.

Certainly we need to ask the city council to reject the proposed ordinance and push for a Nuisance Mitigation, as many other cities have in the bay area. It eases up the burden on an already overloaded Animal Services. They don't have the horsepower or bandwidth to enforce the rules that they are proposing. Why make a rule/ordinance that can't be enforced? Animal Services would be less burdened, the beekeepers would be in compliance, the bees would be better managed and healthier, the fruit trees and gardens of the city would all benefit. Currently, it is already basically Nuisance Mitigation. If someone complains, the bees get moved or the situation is corrected.

The ACBA, and the Fremont Beeks do a very good job of handling the bees problems, and would ask that the city work with us to improve the current legislation. The ACBA runs a swarm hotline that answers over 600 calls each year for "Bee Emergencies" I personally teach a class every year for both ACBA and the Fremont Beeks in how to make "Swarm Traps", which catch swarms of bees every year so they don't become a nuisance. If we didn't catch these swarms of bees, they would be come a nuisance in someones shed, house, garage, or any other available space that bees can call a home. I also work with the ACWD in removing and rehousing honeybee colonies from water meters. All of this is on an entirely volunteer basis, does not require any city services or intervention. We propose that we work with the city in this endeavor to help with problem hives as they arise.

If any of you would like to "go into a hive", we can surely arrange that so that you know better what it's like to be around the bees, and lay to rest any fears you have around them. Bees, by nature, are docile and do not sting until you are close to their hive and are threatening them. Most stings are by Yellow Jackets and other

wasps/hornets. Those hurt, and they can sting multiple times. A honeybee stings only once, then dies. They are reluctant to sting unless provoked.

The chicken aspect of this proposed ordinance is also a bit over burdensome. No chickens in less than 6k sq. ft. is the current proposal. That makes it so ~ 85% of Fremont residence can't keep chickens, and the number of "Rule Breakers" is likely similar to beekeepers, but there aren't any Chicken Keepers groups, that I know of. It's a rule that will create violators as soon as it's approved, and has no upside.

Please consider to reject the current proposal for animal control and have the team work with the local groups that can help the bees, and the beekeepers of the city. Please reconsider the Nuisance Mitigation proposal as offered by Bee Legal as a viable alternative that so many other municipalities have adopted around the bay. Beekeeping should not be a crime.

Sincerely,
Spencer Hadley

Alberto Quintanilla

From: Shashi <shashi@shashanachittle.net>
Sent: Tuesday, October 4, 2022 9:55 AM
To: citycouncil
Subject: Animal Ordinance

Dear City Council,

I am troubled by the property line requirements for goats and chickens. This law will make our well built, beautiful homes for our animals illegal. I hope you will remove property line distance requirements from the ordinance.

I'd also like to voice my support for the letter you received from Phil Stobb. We are one of the few permitted bee hive owners in Fremont, and we know many of the "illegal" Fremont bee keepers well. These are the most community minded, ecological, do-gooders in town. It's a shame to crack down on them when Fremont has so many more pressing concerns. A nuisance approach to bee keeping should be adopted as explained by Niki Irvine and the Bee Legal team.

Sincerely,
Shashana Chittle
Owner of Nadia and Buttercup (goats)

Alberto Quintanilla

From: Elka Hadley <elkahadley@gmail.com>
Sent: Tuesday, October 4, 2022 1:37 PM
To: citycouncil; Kelly Miott; Jenny Kassan
Subject: Animal Ordinance

Hi, I am Nadia and Buttercups, shepherdess, I care for and learn from them. This new law that is being entertained to get put in place, would come and destroy my bond with these wonderful beings. We would have to take down the beautiful homes that my dad has made for them. I hope that everyone can someday experience how nice it feels to hug a goat as soft as Buttercup. And how nice it is to be loved by two goats that just want love back. Please change this law so that I can keep my goats in their home.

Sincerely,
Elka hadley

Alberto Quintanilla

From: Elham <elhamkm@gmail.com>
Sent: Tuesday, October 4, 2022 2:46 PM
To: citycouncil
Subject: Fwd: Public Comment for City Council Meeting 9/20/22

Dear City Council Members -

I am forwarding my comments from the last reading of the Animal Ordinance as none of them were addressed or discussed during the last meeting on September 20th - other than to state people can eat the goats and chickens they are now allowed to raise in their backyard!!!! Honestly, this is shocking. Some people eat dogs. Can they slaughter them too now for food? We should now allow people to raise animals for food.

Also, the ordinance needs clarity on what the reduction of stay for impounded animals means. Does it mean they can be euthanized at the end of the 3 business days or they can be fostered/adopted?

I am an attorney so very experienced in reading ordinances so trying to help bring more clarity to this ordinance.

I cannot attend this evening as it is my son's 6th birthday and my grandmother's 88th birthday.

I hope the City Council rethinks this ordinance.

Thank you,
Elham

----- Forwarded message -----

From: **Elham** <elhamkm@gmail.com>
Date: Tue, Sep 20, 2022 at 10:48 AM
Subject: Public Comment for City Council Meeting 9/20/22
To: <citycouncil@fremont.gov>

Hello –

My name is Elham Marder, and I am an attorney and resident of Fremont. I intend to speak tonight during public comment, but since I have only 2 minutes and I am discussing nuanced legal provisions, I thought I would also email my comments.

I have a few thoughts on the Animal Ordinance:

Section 6.10.030 – Are horses considered livestock? I have seen a house on Mission Blvd. that has a horse in their front yard. What are the requirements on keeping a horse on residential property?

Section 6.10.040 - Why are Fremont residents permitted to keep pigeons and doves? I have not heard of them as pets. And why are these birds mentioned versus other birds that people keep as pets?

Section 6.40.035 (b) - Goats held on residential property should not be used for food (dairy or meat). No one should be slaughtering goats that they keep on their residential property. Secondly, goat milk comes from a lactating mother goat who has had a baby. Goats on residential property should not be used for their dairy. What happens to their baby? Also, how do they become pregnant? Subsection (d) provides the males need to be neutered.

I also recommend language on the use of chickens for food. No one should be slaughtering chickens on their residential property and eggs produced by hens should be for personal consumption (not commercial purposes).

Section 6.10.070 – This section on “shelter and shelter maintenance” needs some clarification:

- A shelter provides cover to an animal whereas an enclosure is the space the animal is confined to, and it may not necessarily have shelter.
- I think this section needs to be divided between shelter requirements and enclosure requirements. It currently blends them.
- I agree with the shelter requirements, but I think we need to add more clarity as to enclosure requirements. For example, an enclosure must be large enough - giving the animal sufficient room beyond just sitting, standing, and turning. They should be able to exercise normal behaviors.

The connection between **Section 6.10.070** and its requirements versus **Section 6.10.130 “Chickens—Enclosure and shelter”** needs some clarification. Section 6.10.070 should still apply to chickens, correct? That needs to be clarified.

The connection between **Section 6.10.070** and its requirements versus **Section 6.40.035(f) “Goats”** needs some clarification. Section 6.10.070 should still apply to goats, correct? That needs to be clarified.

Thank you for considering my comment.

Elham