

SANTA BARBARA bird FARM



Buy, Sell, Trade
Outdoor Aviary
Bred and Imported Finches and Parrot Type Birds
HAND FED BABIES
Nest Boxes - Feeders - Wire

Call or write: Harry Linden
(805) 967-5313 or 969-1895 eves.

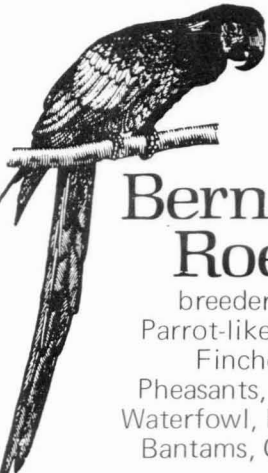
5729 Hollister Avenue
Goleta, Calif. 93017
SASE for Price List and Avail.

Walnut Acres Aviaries
Special Interest
Australian Grass Finches
All birds aviary raised outdoors.

FOR SALE: Shaft Tails, Masked Grass, Cherry Finch, Lady Goulds

WILL BUY OR TRADE FOR:
Cuban Melodious,
Cuban Olivaceous Finches,

Call or Write: Jerry Jennings
(213)
884-5476
1803 Pontius Ave.
Los Angeles,
CA.90025

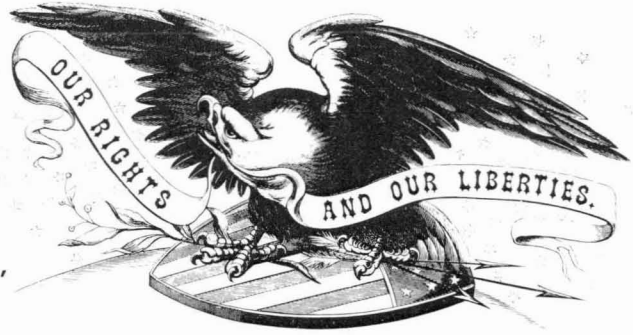



Bernard Roer
breeder of
Parrot-like Birds
Finches
Pheasants, Doves
Waterfowl, Peafowl
Bantams, Cranes

602/242-2477
6553 N. 27th Avenue
Phoenix, Arizona 85017

Leges Avis

"LAW FOR THE BIRDS"
by Edwin E. Lawrence
Attorney, Woodland Hills, Calif.



ZONING AND ATTITUDES

Due to the multiplicity of jurisdictions under which aviculturists attempt to carry out their activities, it is simply impossible to present any detailed analysis of zoning problems without reference to the codes and regulations applicable to the particular area where the bird propagator is located. Consequently, the following observations are made in an attempt to pose some of the more common problems encountered and to suggest means of handling them. These observations are based upon several years of experience both as a city attorney trying to enforce regulations on animal keeping and as a private attorney/aviculturist attempting to work with these same difficulties from the other point of view.

A medieval jurist once remarked that "a man's house is his castle". The same concept applies to the aviculturist's aviary, however, since the Middle Ages there have developed myriad restrictions on land use which we are all called upon to observe. Even in ancient times there were restrictions on the use of premises, i.e., when Jesus is reported to have thrown the money-lenders out of the temple he was providing an early day example of enforcement of use restrictions on special purpose premises.

Few owners of property wished to have objectionable and value diminishing activities nearby and they sought to limit the use of nearby property. One method that was developed in the early days of real property subdividing was the placing of restrictions on the deeds which went to all purchasers. It became the custom to sell parcels of land with restrictions common to all purchasers forbidding buyers to use their land for such things as cemeteries, slaughter-houses, and livery

stables; limiting dwellings placed upon the land to a certain size or architectural style; and even attempting to limit purchasers to groups of people who looked alike or held the same opinions. Obviously, the hey-day of private restrictions was leading to abuse of individual liberties in the name of property rights and the more flagrant restrictions have now been set aside by the courts.

In the last century, as populations mushroomed, commercial activities expanded, and land use became more intense, a system of governmentally imposed restrictions on land use, called zoning, was gradually created. Commonly, zoning codes provide that the raising of certain animals is limited to certain designated areas, and that animals must be enclosed in a fashion that will restrict them from bothering others. Restrictions on side yard usage and setbacks from dwellings and neighbors are fairly widespread.

The best advice one can give to the prospective purchaser of property who wishes to engage in avicultural activities is investigate thoroughly and proceed with caution. Zoning restrictions can be a legal minefield for the unwary. Get the aid of knowledgeable and concerned professionals to guide you. A thoroughly experienced local realtor is a good starting place — and by that I mean not just some hustling salesperson, but someone who has spent a lot of time in the business and who knows local conditions extremely well. I hesitate in referring people to legal counsel for fear I will be accused of soliciting business for fellow attorneys, but the small fee you pay for competent advice before you get into a problem is usually a fraction of what you

have to pay after the problem has materialized.

And above all else, **BE NICE TO PEOPLE, INCLUDING YOUR NEIGHBORS AND ZONING ENFORCEMENT PEOPLE.** Most of the complaints involving animals that came before me as a city attorney involved would be defendants who simply refused to abide by this common sense advice.

It has been my experience that most people in our society will put up with a lot of pettiness and callous indifference from their neighbor before they will complain. If you are keeping birds that habitually screech, scream, and rend the night air with desperate sounds of avian fratricide, don't be offended if your neighbors ask you to do something about it. An aviculturist who is not part obdurate Neanderthal will undertake to get along with people by soundproofing, buffers, or making a more suitable selection of near mute species. He won't tell his long-suffering neighbor to go stick it in his ear — for that sort of attitude just creates problems, and finally prompts complaints to the city or county fathers.

I warmly recall a case I handled while a prosecutor. A lady in Tarzana (a built up suburban residential section of Los Angeles) maintained a full grown male African lion in her backyard. She had kept the lion for several years, having

raised it from a cub and was very attached to the beast — it was just a big frolicsome pussy cat to her. She would take it out in her stationwagon at night, transporting it up into the canyon roads in the mountains surrounding the city, and let it out to run along beside the car so that it could get its exercise. All went well for several years, the police never once receiving a complaint from a startled lonely jogger or a couple of earnest lovers about this feline apparition interrupting their nocturnal activities. Gradually, however, the lady got sloppy about housekeeping chores; and it seems that the feces of a lion can be pretty noxious, and finally, a neighbor whose complaints to her had gone unheeded, turned her in for creating a fly problem. One thing led to another, and the lion was removed from the City. A bag of kitty litter and sweeter attitude towards her neighbors could have saved the lady from breaking up her beauty and the beast routine. While her activities were illegal and patently against zoning regulations, it is axiomatic that government is indifferent to your doing your own thing so long as no one else complains.

Another free observation based upon experience. Most governmental employees, particularly enforcement people, are really, truly, trying to help the people of their community. They don't go looking

for trouble (Civil Service doesn't encourage that kind of initiative); indeed they try to avoid it if possible. The goal is to get through the day, doing what is minimally required in order to keep everyone happy, and in such a fashion as to avoid resistance. It is an attitude that makes a lot of sense, avoids hypertension, ulcers, and other symptoms of stress situations.

When you are approached by a civil servant, **BE NICE.** If your attitude is demanding, obnoxious, insulting, or any one of the above, you are just asking for a confrontation. If you have a problem involving animal keeping, try to find out what the facts are and do something to solve the problem. When you call the officer a bureaucratic Commie leach, you are inviting yourself to join in the inner-workings of government in all its majestic panoply, including hearings, booking, bail, arraignment, and a trial by your peers — which is just what you deserve because you have violated one of the central principles of government which we should all observe, namely, **DON'T FAIL THE ATTITUDE TEST.** Holding tanks and arraignment courts are well populated with hardnosed individualists and self-appointed experts who scream "I know my rights", "I'm not going to stand for this", and then proceed to get themselves into deep trouble by not having the common sense to be civil.

Valentine's New 130 page CATALOG

Featuring a New Line of Equipment for the raising of Birds and Animals (Domestic and Wild) such as

- MINK • CHINCHILLAS • RABBITS • FOX • DEER • DOGS
- LABORATORY ANIMALS • BIRDS • PHEASANTS • QUAIL
- FANCY FOWL AND POULTRY.

SEND \$3.00 (to cover cost of handling and mailing). Price of catalog will be credited to first purchase of \$25.00 or more.

Please send _____ copies of VALENTINE'S CATALOG

Enclosed \$ _____ to cover cost.

Name _____

Address _____

City _____ State _____ Zip Code _____



Valentine
EQUIPMENT COMPANY

9706 SO. INDUSTRIAL DRIVE
BRIDGEVIEW, ILL. 60455
PHONE (312) 599-1101