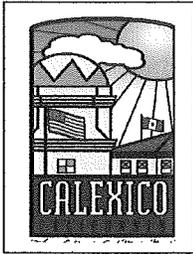


AGENDA
ITEM

10



AGENDA STAFF REPORT

DATE: October 17, 2018

TO: Mayor and City Council

APPROVED BY: David Dale, City Manager *DD*

PREPARED BY: David Dale, City Manager
Carlos Campos, City Attorney

SUBJECT: Introduce and Waive First Reading of an Ordinance of the City Council of the City of Calexico Prohibiting Persons from Feeding Feral Cats

=====

Recommendation:

It is recommended that the City Council consider adopting the following Ordinance:

1. Ordinance No. 2018 - __: An Ordinance of the City Council of the City of Calexico Prohibiting Persons from Feeding Feral Cats.

Background and Discussion:

Recently, the City of Calexico ("City") has seen an increase in complaints about feral cats within the City. A feral cat is a cat that lives permanently outside of a domestic home and is not owned and cared for as a typical companion animal or pet, as a result of having been born feral, abandoned by an owner, or rendered homeless, wild or stray by any other means, whose usual and consistent temperament is extreme fear and resistance to contact with people.

Generally, feral cats are a major health and safety hazard to humans given that they breed, may carry disease and otherwise negatively impact general City sanitation.

Feral cats in the City have been breeding at an exponential rate, with multiple citizen complaints of twenty (20) plus feral cats in people's yards across the City. There have also been reports of feral cats occupying public areas, especially around dumpster areas or where there is food. Complaints have described loud fighting in some cases and even loud mating, leading to a foul musky scent.

Feeding feral cats can cause them to localize activity in the vicinity of the food source, thus increasing associated negative impacts on property owners and/ or individuals within those neighborhoods.

Fiscal Impact:

There should be little fiscal impact because the City already enforces similar type violations of the City's Municipal Code and will use existing resources.

Alternative:

1. Continue this item and provide staff with direction.

Attachments:

1. Ordinance No. 2018 - ____.

ORDINANCE NO. 2018-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF CALEXICO PROHIBITING PERSONS FROM FEEDING FERAL CATS**

WHEREAS, the City of Calexico (“City”) is a city organized under the laws of the State of California, with a duty and interest in protecting the public health, safety, and welfare within the City; and

WHEREAS, feral cats in the City have been breeding at an exponential rate, with multiple citizen complaints of twenty (20) plus feral cats in people’s yards; and

WHEREAS, there have been reports of feral cats occupying public areas, especially around dumpster areas or where there is food, with loud fighting in some cases and even loud mating, leading to a foul musky scent; and

WHEREAS, feral cats are a major health and safety hazard to humans given that they breed, may carry disease and otherwise negatively impact general City sanitation; and

WHEREAS, feeding feral cats can cause them to localize activity in the vicinity of the food source, thus increasing associated negative impacts on property owners and/ or individuals within those neighborhoods.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calexico as follows:

SECTION 1. Incorporation of Recitals. The recitals set forth above are true and correct and are incorporated herein.

SECTION 2. Addition to Title 6 of the Calexico Municipal Code. Calexico Municipal Code Chapter 6.36 is hereby added to Title 6 of the Municipal Code to read as set forth in Exhibit “A” attached hereto and incorporated herein by this reference.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 4. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Calexico on this ___ day of _____, 2018.

AYES:
NOES:
ABSTAIN:
ABSENT:

Luis Pacheco, Mayor

ATTEST:

Gabriella Garcia, City Clerk

APPROVED AS TO FORM:

Carlos Campos, City Attorney

I, Gabriela Garcia, City Clerk of the City of Calexico do hereby certify that the above Resolution No. _____, was duly passed and adopted by the City Council of the City of Calexico in regular session on _____ by the following vote:

Gabriella Garcia, City Clerk
City of Calexico

Seal

EXHIBIT "A"

TITLE 6, CHAPTER 6.36

"Chapter 6.36 – FERAL CATS

6.36.010 – Purpose

Feeding of feral cats causes a public health nuisance and safety hazard that negatively impacts public health and welfare. The purpose of this chapter is to prohibit the feeding of feral cats in any public park, public right-of-way, or on any property owned or operated by the City of Calexico, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

6.36.020 – Definitions

A. "Feed" means to give, distribute, place, expose, deposit, or scatter any edible material with the intention of feeding, attracting, or enticing wildlife. Feeding does not include: (1) baiting in the legal taking of fish and/or game; or (2) feeding authorized by the City.

B. "Feral cat" means a cat that lives permanently outside of a domestic home and is not owned and cared for as a typical companion animal or pet, as a result of having been born feral, abandoned by an owner, or rendered homeless, wild or stray by any other means, whose usual and consistent temperament is extreme fear and resistance to contact with people.

C. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

6.36.030 – Feeding of Feral Cats Prohibited

A. No person shall purposely or knowingly feed or in any manner provide food to feral cats, in any public park, public right-of-way, or on any property owned or operated by City of Calexico, unless otherwise allowed by law or authorized by the City.

B. No person shall feed a feral cat on private property in a manner that creates harmful health or sanitation conditions, destruction of property, attraction of coyotes, rats and/or other vermin, which is otherwise detrimental to the public health, safety or welfare, or which otherwise creates an unreasonable disturbance, such as noise, so as to disrupt the peace and comfort of persons of ordinary sensitivity in surrounding households.

6.36.040 – Enforcement

A. Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this chapter is a misdemeanor punishable in accordance with section 1.24.010 of this code.

B. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation, including the use of administrative citations pursuant to Chapter 1.27 of this code. Administrative fines assessed for violations of this chapter shall be governed by section 1.27.030 of this code.”