



AGENDA REPORT

Meeting Date: July 7, 2009

Item Number: E-3

To: Honorable Mayor & City Council

From: George Chavez, Assistant Director of Community Development *GC*
Nestor Otazu, Code Enforcement Manager

Subject:

- A) AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS REINSERTING INTO THE MUNICIPAL CODE PROVISIONS PROHIBITING THE FEEDING OF FERAL ANIMALS ON PUBLIC PROPERTY, AND DECLARING THE URGENCY THEREOF; AND
- B) AN ORDINANCE OF THE CITY OF BEVERLY HILLS REINSERTING INTO THE MUNICIPAL CODE PROVISIONS PROHIBITING THE FEEDING OF FERAL ANIMALS ON PUBLIC PROPERTY

Attachments:

- 1. Urgency Ordinance Declaring Urgency Thereof
- 2. Ordinance Prohibiting the Feeding of Feral Animals on Public Property

RECOMMENDATION

Staff recommends adoption of this Urgency Ordinance and the first reading of the Permanent Ordinance.

INTRODUCTION

In January of 2009, the City of Beverly Hills established a contractual agreement with the City of Los Angeles for field services and animal sheltering in their West Los Angeles facility. A requirement of this agreement was to adopt the City of Los Angeles animal related codes by reference.

During that process, the existing section of the Beverly Hills Municipal Code dealing with feeding of certain animals was inadvertently omitted; adoption of this ordinance will simply reinsert this omitted code section.

DISCUSSION

As mentioned, the adoption of the Los Angeles City Code relating to animals was required as part of the agreement with the City of Los Angeles Department Animal Services prior to their provision of field and sheltering services. During the adoption process, the Beverly Hills Municipal Code was reviewed, renumbered and reorganized with the intent of eliminating redundant or duplicate language. During this process, the section dealing with feeding of certain animals was inadvertently omitted.

Staff finds that this ordinance is necessary for the preservation of the public peace, health and safety because the placement of food on public property and in publicly accessible areas attracts not only domesticated animals, but raccoons and coyotes, vermin such as rodents, and insects. This Ordinance prohibits the feeding of certain animals on public property, including but not limited to, stray dogs, and feral and stray cats. Staff finds that the Los Angeles Municipal Code does not adequately address the health and safety issues that arise from feeding of animals on public property.

Adoption of this Ordinance will prevent the proliferation of predatory mammal, rodent and insect populations, thereby reducing the spread of disease and prevent expansion of non-domesticated mammalian predator populations by limiting their access to food. The Ordinance will take effect immediately.

FISCAL IMPACT

Staff estimates no additional cost or fiscal impact to the City.



Scott G. Miller, Director of
Administrative Services, CFO
Finance Approval

Susan Healy Keene, Director of 
Community Development

Approved By

Attachment 1

Urgency Ordinance Declaring
Urgency Thereof

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS
REINSERTING INTO THE MUNICIPAL CODE PROVISIONS
PROHIBITING THE FEEDING OF FERAL ANIMALS ON PUBLIC
PROPERTY, AND DECLARING THE URGENCY THEREOF**

**THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS ORDAINS
AS FOLLOWS:**

Section 1. The City Council finds that it is necessary for the preservation of the public peace, health and safety that this Ordinance take effect immediately. This Ordinance prohibits the feeding of certain animals on public property, including, but not limited to, stray dogs, and feral and stray cats. This provision was inadvertently removed upon the adoption by reference of the Los Angeles Municipal Code Animal Control provisions. The City Council now finds that the Los Angeles Municipal Code does not adequately address the health and safety issues that arise from the feeding of certain animals. The City Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety because the placement of food on public property and in publicly accessible areas attracts not only domesticated animals, but other animals, including vermin such as insects and rodents, raccoons, and coyotes. The City Council finds that this Ordinance will prevent the proliferation of rodent, and insect populations, thereby reducing the spread of disease. This Ordinance will also prevent the expansion of nondomesticated mammalian predator populations in the City by limiting their access to food. The Council therefore finds that it is necessary that this Ordinance take effect immediately and its urgency is hereby declared because without this ordinance food may continue to be placed in public areas attracting vermin and

mammalian predators and thereby compromising public health and safety. This Ordinance shall take effect immediately upon its adoption.

Section 2. Section 53.06.5 of the Los Angeles Municipal Code, as incorporated by reference in Chapter 2 of Title 5 of the Beverly Hills Municipal Code, is amended to add the following:

“(d) No person shall feed or in any manner provide or place food for any domesticated animal which is not under the ownership or legal possession of such person, including, but not limited to, dogs and cats, on any public property, or on any property open to the public, or on any private property where the providing or placement of such food is in an area not completely enclosed by a secured wall or fence of at least six feet (6’) in height.

(e) No person shall feed or in any manner provide or place food for any feral or stray cat that is not under the ownership or legal possession of such person.”

Section 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 4. The City Clerk is directed to forward a certified copy of this ordinance to the Director of the City of Los Angeles Department of Animal Services.

Section 5. Effective Date. This Ordinance, being an Urgency Ordinance adopted for the immediate protection of the public safety and health, containing a declaration of the facts

constituting the urgency, and passed by a minimum four-fifths (4/5) vote of the City Council, shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED this ___ day of _____, 2009.

NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

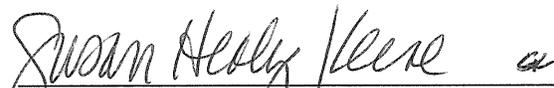
APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD, CCM
City Manager



SUSAN HEALY KEENE
Director of Community Development

Attachment 2

Ordinance Prohibiting the Feeding of Feral Animals on Public Property

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS REINSERTING INTO THE MUNICIPAL CODE PROVISIONS PROHIBITING THE FEEDING OF FERAL ANIMALS ON PUBLIC PROPERTY

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS ORDAINS AS FOLLOWS:

Section 1. Section 53.06.5 of the Los Angeles Municipal Code, as incorporated by reference in Chapter 2 of Title 5 of the Beverly Hills Municipal Code, is amended to add the following:

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(e) No person shall feed or in any manner provide or place food for any feral or stray cat that is not under the ownership or legal possession of such person.”

Section 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 3. The City Clerk is directed to forward a certified copy of this ordinance to the Director of the City of Los Angeles Department of Animal Services.

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

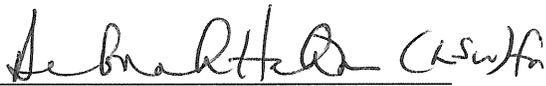
PASSED, APPROVED and ADOPTED this ___ day of _____, 2009.

NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD, CCM
City Manager



SUSAN HEALY KEENE
Director of Community Development