



DATE: April 1, 2014

CATEGORY: Public Hearing

DEPT.: Police and City Attorney's Office

TITLE: **Proposed Animal Ordinance**

RECOMMENDATION

Introduce an Ordinance Deleting Chapter 5 in its Entirety and Adding a New Chapter 5 to the Mountain View City Code Related to Animals, to be read in title only, further reading waived, and set second reading for April 8, 2014 (Attachment 1 to the Council Report).

BACKGROUND

A proposed Animal Ordinance and amendment of the Zoning Code was initially brought to the City Council for Public Hearing on June 4, 2013 (Attachment 2). At the second reading at the Public Hearing on June 11, 2013, Council voted to adopt the Zoning Code to incorporate changes allowing for animal establishments and certain previously agriculture-specific uses, such as fruit and vegetable gardens, apiaries, and fowl, and to amend Chapter 5 (Attachment 3) to include provisions allowing for beekeeping. Council also directed staff to conduct outreach and provide additional information concerning the number of animals allowed in households, mandatory vaccinations for indoor and outdoor pet cats, licensing of pet cats, using microchips versus metal license tags to identify pet dogs and cats, clarifying restrictions for dogs on City property and in City parks, and clarifying the use of traps for domestic animals. Chapter 5 regulations to allow for beekeeping were adopted on June 25, 2013.

Staff conducted both a community survey and community meeting, and presented the results to Council at a Study Session on September 17, 2013 (Attachment 4). At the Study Session, Council directed staff to review the entire ordinance for clarity, particularly in regard to animals on City property and sidewalks; retain the proposed trapping regulations, while bringing back specifics for humane trapping; remove rabies and licensing for cats, retain the option of voluntary registration for cats, and allow the option of a microchip for cats; retain the allowed number of animals in the current and proposed ordinance; and bring back options regarding the management of feral cats in

the North Bayshore Area for the protection of the burrowing owl and all wildlife. Staff has revised the proposed Chapter 5 in accordance with Council direction and community input, in addition to including the recently adopted section regarding beekeeping.

Council also directed staff to explore allowing dogs off leash in parks. That item recently went before the Parks and Recreation Commission and will return to Council as a separate item on April 22, 2014.

ANALYSIS

The proposed ordinance is loosely based on a model ordinance the Silicon Valley Animal Control Authority (SVACA) provided after working with its member agencies to identify best practices from the Washington Humane Society and the cities of San Francisco and San Jose. The standards for care are endorsed by the Humane Society of the United States. The model ordinance was adopted by the City of Santa Clara on March 23, 2011, and is being considered by the City of Campbell.

Staff recommends adoption of this model ordinance with some modifications to tailor it to meet Mountain View's needs. Adopting the ordinance would also provide efficiencies for service to Mountain View as SVACA is responsible for the administrative tasks and enforcement previously provided by staff (Police Department, City Attorney's Office, and Finance and Administrative Services Department).

The proposed ordinance would modernize Mountain View's regulations for animal welfare and control, including mandatory licensing of dogs and voluntary licensing (similar to registration) of cats, spay and neuter requirements for repeatedly at-large animals, and the use of humane animal traps, while at the same time allowing for more consistent regulations amongst the regional participants in SVACA. The recommended ordinance addresses the specific needs of the Mountain View community, including retaining the number of dogs and cats currently allowed, the livestock definition and allowable areas, the unnecessary noise definition, and the prohibition of animals in food establishments, while expanding the details of current requirements for appropriate food, shelter, immunizations, and licensing. The ordinance incorporates the City's current regulations and does not add new areas of regulation.

Instead of providing a redlined version of the ordinance, staff has created a chart comparing the language of the existing Chapter 5 with the proposed ordinance, section by section, for ease of comparison (Attachment 5). In addition, the specific areas of change directed by Council at the Study Session are discussed in detail below.

Animals in City Buildings/on City Property

Section 5.9 of the proposed ordinance addresses animals on or in City buildings and on City property. By including a definition that City property, in this particular section of the Code, does not include public sidewalks, open areas, or parks that are regulated in other City Code sections, it is now clear that animals are allowed on public sidewalks and in parks.

Humane Trapping

Staff also included introductory text at Section 5.26 to clarify that only humane trapping practices are lawful under the Code, and an animal control officer may provide assistance and humane traps in order to ensure compliance with this section. The language now defines humane practices as including the use of traps which do not cause unnecessary suffering and requires regular monitoring of traps. For trap/spay or neuter/release, humane practices also include placing the trap on a smooth surface, protecting it from direct sunlight and rain, keeping the trap out of view of other animals, lining the bottom of the trap with absorbent material and, after trapping an animal, covering the trap to help calm the animal inside.

Cats – Licensing/Registration/Vaccinations/Microchips

Staff also revised the sections pertaining to licensing, registration, and vaccinations of cats. The revisions are similar to the alternative language provided to Council at the second reading of the proposed ordinance; however, some further changes were made. Specifically, Section 5.52 now requires vaccinations only for dogs, and as a prerequisite for obtaining a dog license. Section 5.53 requires licenses for dogs over four months of age. A license is not required for cats, but the option to voluntarily license a cat is provided. Voluntary licensing of cats is akin to the registration option which exists in the current Chapter 5 and which is also retained in the proposed ordinance. Section 5.54 provides for fees for dog licenses and any voluntary cat licenses. Section 5.55 requires proof of vaccination, only if required, in order to obtain a license, thus allowing a voluntary cat license without proof of rabies vaccination. Section 5.56 sets forth the requirement of a metal identification tag for dog licenses (as required by State law), and provides for a metal identification tag, should a voluntary cat license be obtained. Further, the section allows a microchip as an alternative to a metal license tag for cats, whether licensed or registered. Finally, Section 5.57 sets forth the term for licenses (12, 24, or 36 months), whether required for dogs or voluntarily for cats (five (5) years). Staff included voluntary licensing for cats in the proposed ordinance revisions in order to provide flexibility for those cat owners who would like the opportunity to obtain a license for an owned cat, and to make the licensing as similar to dogs (renewal,

identification) as possible, while omitting any rabies vaccination requirements, and omitting the collar and metal tag requirement.

Number of Dogs/Cats

Pursuant to Council's direction, the number of adult dogs and/or cats allowed remains consistent with the current ordinance, four (4), as set forth in Section 5.51.

Beekeeping

In addition, the recently adopted beekeeping provisions have been incorporated into the proposed ordinance.

Regulation of Feral Cats in the Shoreline Regional Park Community

As mentioned, Council directed staff to explore options to protect burrowing owls and all wildlife from feral cats in the North Bayshore Area. Chapter 38 of the City Code regulates activities in parks, including Shoreline Park, and includes regulations that apply to feral cats. The language of the chapter pertaining to Shoreline Park was crafted due to its particular nature as a large park, an area with an abundance of wildlife, and an area which is primarily undeveloped (as opposed to the remainder of the North Bayshore Area). Specifically, Section 38.13(w) prohibits wild or domestic animals entering the park and further prohibits the release of any captured wild or domestic animals within the park. Section 38.20(i) states the park is a sanctuary for wildlife, and generally prohibits feeding, hunting, trapping, killing, wounding, frightening, or capturing any wild birds, mammals, reptiles, amphibians, or invertebrates. Staff has developed the following options for Council's consideration with a focus on areas in North Bayshore which are outside of the park.

First, a review of the proposed ordinance revealed a number of provisions already address feral cats. Staff made additional modifications to further strengthen these provisions. Under Section 5.8, it is unlawful to abandon any animal in the City, including the release of feral cats. This regulation would apply to both public and private property. Language was added to clarify that management of wild and domestic animals shall comply with other regulations of the City Code, including trapping and the feeding and/or release of animals on public property, in addition to following the requirements of any applicable State and Federal laws. The language of Section 5.15 was revised to prohibit the release of any wild or domestic animals on any public property, including streets, sidewalks, the public right-of-way, and driveways, in addition to public parks, facilities, and buildings. This section also includes the original proposed language prohibiting feeding of animals on public property. In addition, as discussed above, language was added to emphasize that Section 5.26 allows for only

humane trapping of animals on public or private property. Staff believes the proposed ordinance, as strengthened, contains language sufficient to regulate feral cats, as abandoning any animal on public or private property is prohibited, as is feeding or releasing animals on public property. In combination with humane trapping for spay/neuter and release, the feral cat population should decline on both public and private property. Staff recommends adoption of the proposed ordinance with the enumerated and strengthened language.

If Council wishes further regulation, staff has developed additional language that more directly addresses the management of feral cats (Attachment 6). It specifically prohibits feeding and/or releasing feral cats on private property in the Shoreline Regional Park Community. The optional language also clarifies that Chapter 38 applies to Shoreline at Mountain View (Shoreline Park), to avoid any confusion in the regulations. In comparison to staff's recommendation, this option specifically *defines* a feral cat as "any homeless stray, wild or untamed cat," and specifically *prohibits feeding* and/or releasing feral cats on *private property* in the *Shoreline Regional Park Community*. This option expands the proposed ordinance to expressly include private property in this portion of North Bayshore, and also bans feeding feral cats anywhere in the Shoreline Regional Park Community.

Council could also consider developing a "community cat caregiver" program. These types of programs have been developed in other communities in order to explore innovative ways to address feral cats, and to manage the colonies without resorting to euthanasia. Such programs could include the development of a free community cat caregiver certification program to educate people about community cats, the importance of veterinary provider relationships to best address community cat needs, common diseases, and proper care and good management practices for community cats. Educational programs can be developed by community veterinarians, community cat caregivers, animal control providers, and citizens through an ad hoc advisory committee. This type of program does not need to be included in the ordinance, but could involve significant additional staff time. SVACA's role in this type of program would be peripheral in an advisory capacity. If the City requests SVACA to have a more direct role in the program, City staff will have to develop the desired scope, and SVACA's Board of Directors would have to approve of SVACA's participation. The cost for SVACA to coordinate such a program cannot be estimated until the concept is approved and the required resources are defined. If Council chooses this option, staff can develop a work plan and return to Council at a later date with the resource implications.

Enforcement

Staff requests general direction regarding enforcement of the entire ordinance. At the initial introduction of a revised animal ordinance in June, 2013, staff and SVACA explained the ordinance provided the City the tools to control egregious conditions and treatment of animals in accordance with current humane practices. Typically, when there is initial contact with individuals who are in violation of the proposed provisions, compliance would be encouraged with an informational and educational approach, as the goal of the proposed ordinance is to ensure the humane treatment of animals. Should the optional language be included, an educational effort could be focused on private businesses about the impact of feral cats on sensitive plant and animal life existing in the Shoreline Regional Park Community, in order to encourage those businesses, and their employees, to refrain from feeding and releasing feral cats in this area. Education and/or enforcement could be by SVACA, after approval by its Board of Directors, or by City staff.

FISCAL IMPACT

There is no significant impact from the recommended ordinance.

Should Council include the optional language prohibiting the feeding and/or release of feral cats on private property in the Shoreline Regional Park Community, additional costs for enforcement are likely as this service was not included within the scope of services provided by SVACA under the current agreement. This would require an analysis based on the scope of the program and approval by SVACA's Board of Directors.

Should Council request staff return with a work plan for a community cat caregiver program, staff can provide information regarding any costs and impacts at that time, including any additional costs for services provided by SVACA, again after determining the scope of the program and approval by SVACA's Board of Directors.

CONCLUSION

Staff is recommending adoption of the proposed Animal Ordinance (Attachment 1), which includes provisions which allow for the management of feral cats.

ALTERNATIVES

1. Retain the existing Animals and Fowl Ordinance.
2. Include optional language for the prohibition of feeding and/or releasing feral cats on private property, with educational enforcement with the proposed ordinance.

3. Direct staff to develop a work plan to implement a community cat caregiver program.
4. Direct staff to make other changes to the proposed ordinance.
5. Direct staff to use educational enforcement only.
6. Provide other direction.

PUBLIC NOTICING

Agenda posting; copies of staff report and proposed ordinance provided to those individuals who provided contact information at the June 4, 2013 and June 11, 2013 Council meetings, the August 29, 2013 community meeting, and the September 17, 2013 Study Session.

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- Attachments:
1. Proposed Ordinance Related to Animals
 2. [June 4, 2013 Council Report](#)
 3. [Existing Animals and Fowl Ordinance Proposed for Revision \(Chapter 5, Animals and Fowl\)](#)
 4. [September 17, 2013 Study Session Report](#)
 5. Animal Ordinance Changes Comparison
 6. Optional Language Prohibiting Feeding and/or Releasing Feral Cats on Private Property in the Shoreline Regional Park Community