## **ORDINANCE NO 1173**

## ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO DELETING CHAPTER 6 12 AND ADDING CHAPTER 6.28 TO TITLE 6 OF THE SAUSALITO MUNICIPAL CODE ADDRESSING WILD ANIMALS

WHEREAS, Title 6 of the Municipal Code of the City of Sausalito sets forth certain regulations regarding animals, and

WHEREAS, the human feeding of wildlife, while well-intentioned, creates numerous adverse consequences, including the spread of disease, sickness of the animals, and competition for habitat by non-native species, and

WHEREAS, the State of California Fish and Game Code and federal regulations contain regulations governing the taking or harassing of wild animals, including birds that are inconsistent with regulations established in 1898 in the Municipal Code, thereby making the Municipal Code regulations obsolete, and

WHEREAS, the City Council of the City of Sausalito desires to adopt the revisions to Title 6 of the Sausalito Municipal Code in order to incorporate prohibitions against the feeding of wild animals

THE CITY COUNCIL OF THE CITY OF SAUSALITO HEREBY ORDAINS AS FOLLOWS

**SECTION I** Chapter 6 12 of Title 6 of the Municipal Code is hereby deleted in its entirety

**SECTION II** A new Chapter 6 28 of Title 6 of the Sausalito Municipal Code is hereby added to read as follows

Chapter 6 28 FEEDING OF WILDLIFE

6 28 010 Feeding of wildlife prohibited 6 28 020 Penalty for violation

6 28 010 Feeding of wildlife prohibited

No person shall feed or in any manner intentionally provide food as sustenance or to encourage domesticity in a non-domesticated animal with the exception of

A A bird feeder in a privately owned yard in a residential zone

B When the wildlife is maintained, treated or fed pursuant to a valid certificate or permit issued by the State of California or an agency of the U.S. Government

6.28 020 Penalty for violation Any person violating any other of the provisions of this chapter is guilty of an infraction as provided in Section 19 6 of the Penal Code, and upon conviction thereof shall be punished by a fine of not more than fifty dollars for the first offense and for a second or subsequent offense by a fine of not more than one hundred dollars

**SECTION III** Effective Date and Publication This ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and within 15 days after its adoption it shall be published in a newspaper of general circulation, published and circulated in the City of Sausalito

SECTION IV Severability If the title, or any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this Ordinance and its title and each section, subsection, clause and phrase hereof irrespective of the fact that the title or any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional

This ordinance was introduced at a regular meeting of the City Council of the City of Sausalito on Tuesday, December 16, and was adopted at a regular meeting of the City Council of the City of Sausalito on January 13, 2004, by the following roll call vote

AYES COUNCILMEMBERS Albert, Belser, Scremin & Mayor Albritton

NOES COUNCILMEMBERS None ABSENT COUNCILMEMBERS Keller ABSTAIN COUNCILMEMBERS None

Paul Albritton, MAYOR

ATTEST:

CITY ERK