



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Sara L. Hensley

SUBJECT: SEE BELOW

DATE: 01-06-05

Approved

Date

1.06.05

COUNCIL DISTRICT: Citywide

SNI AREA: N/A

SUBJECT: APPROVAL OF AN ORDINANCE AMENDING SECTION 7.11.100 OF CHAPTER 7.11 OF TITLE 7 OF THE SAN JOSE MUNICIPAL CODE TO CREATE AN EXCEPTION TO THE BAN ON FEEDING WILD ANIMALS FOR ANY PERSON USING AN ATTRACTANT TO TRAP AN ANIMAL IN A LEGALLY AUTHORIZED OR PERMITTED MANNER.

REASON FOR ADDENDUM

To amend the current ordinance in an expeditious manner for implementation.

RECOMMENDATION

Approval of an ordinance amending Section 7.11.100 of Chapter 7.11 of Title 7 of the San Jose Municipal Code to create an exception to the ban on feeding wild animals for any person who uses an attractant to trap animals in a legally authorized or permitted manner.

BACKGROUND

On November 9, 2004, the Mayor and City Council approved San Jose Municipal Code Section 7.11.100, which prohibited feeding certain wild animals in the City of San Jose. One of the reasons discussed in previous City Council meetings as a cause for the presence of nuisance wild animals in residential areas was residents storing or providing food outside for their cats and dogs, or wildlife. Under Chapter 7.11, "Wild Animal" includes animals defined under state law as "game" and "fur bearing" mammals, and coyotes, opossums, and skunks.

The Santa Vector Control District ("Vector Control") provides a variety of wildlife surveillance and control programs within the boundaries of all 15 participating cities including the City of San Jose and the unincorporated areas of the County. Vector Control's stated policy is to

provide and promote public health and safety through preventative education, home and environmental evaluations and, when necessary, trapping or control of wildlife when wildlife is deemed a public health or safety threat. Vector Control deems skunks, raccoons, opossums, coyote, bobcat, and other carnivores are a public health or safety threat when they:

1. Take up residence under houses or other structures in the immediate vicinity of human habitation;
2. Exhibit abnormal behavior as determined by a Vector Control's Wildlife Technician; or
3. Have been identified as an animal with a high-risk potential of transmitting the causative agent of significant human disease in areas where contact with people is likely.

Vector Control expressed concern that the new ordinance prohibits their ability to bait a trap to capture nuisance wildlife during the normal course of their duties. The City has clarified to Vector Control that the ban on feeding wild animals does not prohibit use of attractants to trap nuisance wild animals. Vector Control, however, has refused to conduct any trapping involving the use of bait within the City limits.

ANALYSIS

The proposed ordinance will create an additional exception to the ban on the feeding of wild animals and clarify that a person may use an attractant to trap animals in a legally authorized or permitted manner.

COST IMPLICATIONS

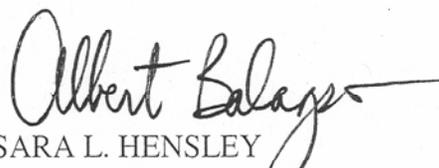
None.

COORDINATION

This memorandum was coordinated with the City Attorney's Office.

CEQA

CEQA: Exempt (PP04-289).


for SARA L. HENSLEY
Director of Parks, Recreation
and Neighborhood Services