

ORDINANCE NO. 2389

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, AMENDING ARCADIA MUNICIPAL CODE SECTION 4137 OF PART 3 OF CHAPTER 1 OF ARTICLE IV ("THE PUBLIC WELFARE, MORALS AND POLICY CODE") TO ESTABLISH PEAFAWL FEEDING PROHIBITIONS ON PRIVATE PROPERTY WITH AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")

WHEREAS, the City of Arcadia is home to a large population of beautiful peafowl that add to the aesthetic of the City; however, peafowl can be destructive and disruptive to residents and property by destroying gardens, traveling in packs and blocking traffic, leaving droppings on roofs, screeching loudly, and other activities that cause a public nuisance; and

WHEREAS, when residents feed peafowl, it creates an unnatural attractant, causing large musters of peafowl in residential neighborhoods which disturb the peace and tranquility of Arcadia neighborhoods; and

WHEREAS, when peafowl congregate, it creates opportunities for the population to increase, with the birds laying more eggs if resources are abundant, resulting in unnatural reproductive rates of peafowl, further distressing their ecosystem which causes the peafowl to seek out resources in Arcadia neighborhoods; and

WHEREAS, Arcadia Municipal Code ("AMC") Section 4137 only restricts the feeding of peafowl on public property such as upon any public street, sidewalk or parkway; and

WHEREAS, the Arcadia City Council desires to amend AMC Section 4137 to prohibit feeding peafowl on private property, as residents have been known to feed peacocks things such as bread, seed and dog food while admiring the birds on their property; and

WHEREAS, on October 21, 2021, the Los Angeles County Board of Supervisors declared that feeding peafowl is a crime, making it a misdemeanor in unincorporated areas and the 44 cities that contract with the County for animal control services; and

WHEREAS, by establishing prohibitions on feeding peafowl on private property, the City will help discourage feeding, limit the growth of peafowl populations, and restore tranquility to neighborhoods in Arcadia; and

WHEREAS, feeding peafowl on private property will carry the same fines as feeding peafowl on public property. One violation is punishable by up to a \$1,000 fine, six months in jail, or both in accordance with AMC Section 1200.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

SECTION 2. Section 4137 of Part 3 of Chapter 1 of Article IV of the Arcadia Municipal Code is hereby amended to read in its entirety as follows:

"4137. - FEEDING PROHIBITION.

No person shall feed or make any food or edible thing available to any animal or fowl (either domestic or nondomestic) in, on, or upon any public street, sidewalk or parkway; nor to any wild animal, such as peafowl, on private property. It is hereby declared a nuisance to feed peafowl on public or private property."

SECTION 3. 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 4. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of same to be published at least once in the official newspaper of the City within fifteen (15) days after its adoption. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

Passed, approved, and adopted this 16th day of August, 2022.

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/s/ Tom Beck
Mayor of the City of Arcadia

ATTEST:

/s/ Gene Glasco
City Clerk

APPROVED AS TO FORM:

/s/ Stephen P. Deitsch
Stephen P. Deitsch
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF ARCADIA)

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Ordinance No. 2389 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at an adjourned regular meeting of said Council held on the 16th day of August, 2022 and that said Ordinance was adopted by the following vote, to wit:

AYES: Danielson, Tay, Verlato, Cheng, and Beck

NOES: None

ABSENT: None

/s/ Gene Glasco
City Clerk of the City of Arcadia