

ORDINANCE NO. 1391

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY
AMENDING CHAPTER 6.32 OF THE DALY CITY MUNICIPAL CODE RE: ANIMALS,
PROHIBITIONS AND NUISANCES

The City Council of the City of Daly City, DOES ORDAIN as follows:

SECTION 1. Chapter 6.32 is re-numbered to read as follows:

Chapter 6.32 PROHIBITIONS AND NUISANCES

- 6.32.010** **Definitions**
- 6.32.020** **Prohibited conduct**
- 6.32.030** **Unlawful discharge of excreta**
- 6.32.040** **Swine prohibited**
- 6.32.050** **Nuisance – Declared**
- 6.32.060** **Nuisance – Abatement**
- 6.32.070** **Horses on public sidewalks**
- 6.32.080** **Roosters prohibited**
- 6.32.090** **Bird feeding prohibited.**

SECTION 2. Section 6.32.010 is hereby amended to read as follows:

6.32.010 **Definitions.**

For purposes of this chapter, the following terms have the meanings respectively ascribed to them in this section:

- A. “Feed” means any material, including but not limited to birdseed, bird feed, corn, bread pieces, food scraps, domestic animal food, or any similar substance that can be utilized for consumption by birds to provide nourishment.
- B. “To feed” means to spread, cast, lay, deposit, or dump feed.

SECTION 3. Section 6.32.020 is hereby amended to read as follows:

6.32.020 **Prohibited conduct.**

- A. No owner or possessor of any animal shall cause or permit it to be upon any public street, sidewalk, park, school ground, any public property, or upon any unenclosed premises in this jurisdiction unless the animal is properly licensed, if such licensing is necessary hereunder, and under the control of the owner by being saddled, harnessed, haltered, or leashed by a substantial chain, lead rope, or leash, which chain, lead rope, or leash shall be continuously held by some competent person capable of controlling such animal.
- B. Dogs must be restrained by a leash not exceeding six feet in length. Retractable leashes exceeding six feet in length may not be used in any city park, school ground, or other public property other than a designated off-leash area.

- C. Off-leash dogs are only allowed in designated areas.
- D. No owner or possessor of any animal shall cause or permit it to trespass upon any private property without the consent of the owner thereof, and to knowingly permit the animal to remain upon the property or to habitually continue to trespass thereon.
- E. No owner or possessor of any animal shall cause or permit it to such animal to habitually bark or meow or act in such a manner as to continuously disturb the peace of any citizen or to be a public nuisance.
- F. No owner or possessor of any animal shall cause or permit it to be without proper and adequate food, water, shelter, care and attention as described to in Section 597f of the Penal Code.
- G It is not permissible for any person to suffer or permit any chickens, geese, ducks, turkeys, pheasants, doves, pigeons, squabs or similar fowl, owned or controlled by such person, to run or fly at large or go upon the premises of any other person in the city.
- H. No owner or possessor of any animal shall display, sale or offer for sale, barter or give away of any baby chicks, ducklings or other fowl (excluding birds) as pets or novelties whether or not dyed, colored or otherwise artificially treated. This subsection shall not prohibit the display or sale of natural chicks, ducklings or other fowl (excluding birds) in proper facilities by dealers, hatcheries or stores engaged in the business of selling same to be raised for food purposes.
- I. Dogs are not permitted in any recreation facility, community center, library, park playgrounds, or on tennis courts, handball courts, synthetic turf fields, and basketball courts.
- J. No person, including professional dog walkers, shall walk more than 2 dogs at the same time in a City park. Professional dog walkers shall be required to obtain a Daly City business license
- K. Subsection (A) of this section shall not be applicable to cats.

SECTION 4. Section 6.32.090 is hereby added to read as follows:

6.32.090 Bird feeding prohibited.

A. Except at feeding stations that are expressly authorized in writing by the city manager or designee, it is unlawful for any person to do the following on any city property or within city rights-of-way:

1. To feed any bird that is not legally owned by that person; or

To place any feed of any kind that is intended for consumption by or to attract any bird of any kind that is not legally owned by that person.

B. It is unlawful for any person to do the following on any private property that is owned or controlled by another person without the express permission of that person:

1. To feed any bird that is not legally owned by that person; or

To place any feed of any kind that is intended for consumption by or to attract any bird of any kind that is not legally owned by that person.

SECTION 5. Environmental Determination. The City Council of the City of Daly City finds and determines that the implementation of measures described in this Chapter is in furtherance police powers of the City of Daly City, and that these purposes are exempt from the provisions of the California Environmental Quality Act (CEQA); Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, as provided in categorical exemption Classes 1, 4, 5, 7, 8, 9, and or 21 of the CEQA Guidelines (Title 14, *California Code of Regulations*, Sections 15301-15329).

SECTION 6. Severability: If any section, subsection or sentence of this Ordinance is found by a court of competent jurisdiction to be invalid or unlawful, the City Council finds and declares that the remainder of this ordinance would be and is enforceable and would have been adopted notwithstanding the finding of invalidity as to any section, subsection or sentence.

SECTION 7. Effective Date and Publication: Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post it in the City Clerk's office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary and (2) post in the City Clerk's office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall become effective thirty (30) days from and after its adoption

Introduced this 22nd day of June, 2015.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the 13th day of July, 2015, by the following vote:

AYES, Councilmembers: Canepa, Christensen, Guingona

Torres, Buenaventura

NOES, Councilmembers: None

ABSENT, Councilmembers: None

K. Annette Hipona

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

RAYMOND A. BUENAVENTURA

MAYOR OF THE CITY OF DALY CITY