

ORDINANCE NO. 1214-23

**AN ORDINANCE OF THE CITY OF AVALON AMENDING
TITLE 6, CHAPTER 6-1, SECTION 6-1.128 ANIMAL CARE
OF THE AVALON MUNICIPAL CODE AND ADOPTION OF
EXEMPTION FINDINGS UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT.**

WHEREAS, the Council has determined that hunting, pursuing, killing, or trapping of animals within the City of Avalon (“City”) represents a threat to public health and safety within the City; and,

WHEREAS, even with the exercise of the greatest level of care, discharge of firearms can result in loss of human life and the City is a highly-populated area; and

WHEREAS, hunting, pursuing, killing, or trapping of animals are activities incompatible with the densely-populated areas of the City and pose safety hazards to residents and visitors in the City; and

WHEREAS, the Council has determined that the feeding, luring, or trapping of wild animals for the purposes of capturing and/or killing such wild animals can be cruel and abusive to such animals and inconsistent with the residential, recreational, and visitor-friendly nature of the City; and

WHEREAS, the Council has determined there is a need to ban any feeding of wild animals within City limits because feeding makes such animals dependent upon humans for their nourishment, may result in inappropriate diets for such animals, draws such animals into residential and urban areas which is inconsistent with their natural habitat, and creates a danger to such animals and/or to the City’s residents and visitors due to the natural behavior and disposition of wild animals; and

WHEREAS, the specific purpose of the following amendments to the Municipal Code will have a primary public health and safety impact, with only an incidental effect on hunting; and

WHEREAS, the City wishes to now amend its Municipal Code to address these issues.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON DOES
ORDAIN AS FOLLOWS:**

Section 1. The recitals set forth above are hereby adopted as the findings of the City Council in connection with the adoption of this Ordinance.

Section 2. Avalon Municipal Code section 6-1.128 is amended to read as follows:

§ 6-1.128 Animal Care and Conduct Toward Animals.

(a) No person being the owner or an individual having the custody, care, and/or control of such animal, shall fail to provide his/her fowl, cat, dog, or other domesticated animal with sufficient

good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(b) No person shall beat, wound, maltreat, mutilate, injure, torment, overload, overwork, kill, or otherwise abuse any fowl, cat, dog, or any other animal, including both domesticated and wild animals, nor shall any person cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between any fowl, cat, dog, or other animal, including both domesticated and wild animals, or between the same and humans. As used herein, "wild animals" means deer, foxes, owls, bison, or any other non-domesticated animal. This section shall not apply to the City's bird abatement program.

(c) No person being the owner, or an individual having the custody, care, and/or control, of any fowl, cat, dog, or other domesticated animal shall abandon the same.

(d) No person shall provide food for wild animals, including but not limited to, foxes, squirrels, and deer, by setting such food out on public property, or within 150 yards of any private residence, other building, or public right-of-way. This section does not apply to bird feeders placed on private property.

(e) No person shall hunt, pursue, kill, or trap any domesticated or wild animal in the City. Additionally, even if a permit to hunt, pursue, kill, or trap animals is issued by a State or Federal Agency, such permit shall be subject to this Section 6-1.128 in order to protect public health, safety and welfare. This prohibition on killing animals shall not apply to the removal or extermination of rats, mice, squirrels, stinging insects, or other vermin from private or public property. This section shall not apply to City of Avalon Code Enforcement personnel in the discharge of his/her duties.

(f) No person shall feed, trap, or lure any wild animal located within the City with the intent to hunt or kill such wild animal or with the intent to transport that wild animal out of the City to hunt or kill said animal.

(g) As used in this section, "hunt" means the killing or wounding of any animal by means of any poison, trap, fireworks, firearm, weapon, air gun, archery device, slingshot, spear, javelin, knife, paintball gun, or explosive of any type with the specific intent to frighten, injure, mutilate, or kill any animal, domesticated or wild.

(h) Nothing in this Ordinance prevents authorized and trained personnel from humanely euthanizing a domesticated or wild animal found severely injured or ill in the City when such action is taken to prevent or stop the pain or suffering of the animal(s), nor shall this ordinance prohibit or prevent authorized and trained personnel from trapping feral cats or dogs for the purpose of spaying and neutering by a trained veterinarian.

(i) Any violation of this Ordinance shall be punishable by a fine of \$500 for a first violation, \$1000 for a second violation, and \$5000 for each subsequent violation. A person shall be deemed guilty of a separate offense for each separate occurrence of any violation of this Ordinance that is committed, continued, or permitted, and shall be punishable as provided herein.

Section 3. Severability. If any section, subsection, subdivision, sentence, clause, or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, void, or invalid,

such decisions shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional, void, or invalid.

Section 4. CEQA Exemptions. The City Council finds that adoption of this Ordinance is not a project subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15378 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the State 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. Additionally, this Ordinance is exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment) because this Ordinance will not cause a change in any of the physical conditions within the area affected by the Ordinance. None of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the Los Angeles County Clerk a CEQA Notice of Exemption within five (5) working days of the adoption of this Ordinance.

Section 5. Certification. The City Clerk of the City of Avalon shall certify the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law.

Section 6. Effective Date. This Ordinance shall become effective thirty days from its adoption.

INTRODUCED AND WAIVED at a special meeting of the City Council of the City of Avalon on the 2nd day of November, 2023, by the following vote:

AYES: Mayor Marshall, Councilmembers De La Rosa, Lavelle, Ponce and Schickling.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Avalon on this 7th day of November, 2023, by the following vote:

AYES: Mayor Marshall, Councilmembers De La Rosa, Lavelle, Ponce and Schickling.

NAYS:None.

ABSENT:None.

ABSTAIN: None.

Ann H. Marshall, Mayor

ATTEST:

Gabrielle Morones, Deputy City Clerk

APPROVED AS TO FORM:

Scott Campbell
Best Best & Krieger, LLP