

ORDINANCE NO. 7,356–N.S.

PROHIBITING THE FEEDING OF WILD ANIMALS IN CITY PARKS OR ON PUBLIC PROPERTY; ADDING BERKELEY MUNICIPAL CODE CHAPTER 6.50

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That a new Section 6.50 is added to the Berkeley Municipal Code to read as follows:

Chapter 6.50

Prohibition on Feeding Wild Animals on Public Property

Sections:

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| 6.50.010 | Purpose. |
| 6.50.020 | Definitions. |
| 6.50.030 | Feeding of Wild Animals In City Parks Or On Public Property Prohibited. |
| 6.50.040 | Severability. |
| 6.50.050 | Violation -- Penalty. |

Section 6.50.010 Purpose.

The purpose of this chapter is to prohibit the feeding of wild animals on public property, including City parks, facilities, streets, sidewalks, median strips, parking strips, and rights-of-way in order to (1) reduce risks of disease, (2) reduce overpopulation of wild animals, and (3) lessen the damage to public property caused by wild animals.

Section 6.50.020 Definitions.

Whenever any of the words hereinafter defined are used in this chapter, they shall be construed to mean the following:

- A. "City Manager" means the City Manager, or anyone designated by the City Manager.
- B. "City Parks" means all parks owned or maintained by the City, including areas designated by the City Manager as "community gardens."
- C. "Feed" means to distribute, place, deposit, or dump any type of food in any manner, whether or not an animal is in the vicinity at the time the food is distributed, placed, deposited, or dumped.
- D. "Wild" animal means any non-domesticated species of animal, including but not limited to gophers and squirrels.
- E. "Public Property" means all City parks, buildings, facilities, streets, sidewalks, median strips, parking strips (as defined in Chapter 12.44.040), and rights-of-way (including landscaping on such property).

Section 6.50.030 Feeding of Wild Animals In City Parks Or On Public Property Prohibited.

No person shall feed wild animals at any time in City Parks or on Public Property, without specific written authorization from the City Manager.

Section 6.50.040 Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason declared unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have adopted this chapter notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its sections, subsections, sentences, clauses, or phrases.

Section 6.50.050 Violation -- Penalty.

Any person violating any provision or failing to comply with any of the requirements of this chapter shall be deemed guilty of an infraction as set forth in Chapter 1.20 of this code.

Section 2. This Ordinance shall take effect and be in full force from and after its final passage.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 24, 2014 this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.