



# City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD  
ROLLING HILLS, CA 90274  
(310) 377-1521  
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**Agenda Item No.: 8-A**  
**Mtg. Date: 08/28/17**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: RAYMOND R. CRUZ, CITY MANAGER** *RRC*

**SUBJECT: WAIVE FULL READING AND INTRODUCE ON FIRST READING ORDINANCE NO. 353 - AN ORDINANCE OF THE CITY OF ROLLING HILLS ADDING A NEW CHAPTER 6.64 TO THE ROLLING HILLS MUNICIPAL CODE PROHIBITING THE FEEDING OF FERAL BIRDS AND ANIMALS.**

**DATE: AUGUST 28, 2017**

**ATTACHMENTS:**  
**Proposed Ordinance No. 353**

## RECOMMENDATION

Staff recommends that the City Council waive full reading and adopt the following:

AN ORDINANCE OF THE CITY OF ROLLING HILLS ADDING A NEW CHAPTER 6.64 TO THE ROLLING HILLS MUNICIPAL CODE PROHIBITING THE FEEDING OF FERAL BIRDS AND ANIMALS.

## BACKGROUND

During the deliberations concerning peafowl trapping over the last two City Council meetings, it was found that there are residents who are feeding feral peafowl that is compounding the spike in the peafowl population. Residents spoke about this concern and believed there is a need to have an ordinance within Rolling Hills' Municipal Code to prohibit this practice. Through staff's research, it was found that the City of Rolling Hills has no ordinance to prohibit the feeding of peafowl. However, there is a State law that prohibits the harassment of animals that includes the feeding of nongame birds. But since peafowl are not classified as "wildlife" by the State Department of Fish and

Wildlife, the law does not apply because they are considered "feral". When it comes to other cities' regulations, both the cities of Rancho Palos Verdes (RPV) and Rolling Hills Estates (RHE) have adopted Title 10 from the County of Los Angeles Code that prohibits providing food to certain animals that includes peafowl. Therefore, at the August 14, 2017 meeting, the City Council requested that staff develop a similar ordinance and bring it forward for its consideration at its next meeting.

### DISCUSSION

The feeding of feral birds and animals results in an increase in their numbers and a concomitant increase in the deposit of fecal matter on property detrimental to public health and hygiene. Feeding feral animals also attracts rodents, possums and insects that constitute a public nuisance. Fecal matter generated by the feeding of feral birds and animals is being washed into storm drains, causing an increase in bacteria and virus levels in storm water runoff, eventually making its way to the Pacific Ocean and degrading water quality. In the interest of protecting and promoting the public health, safety, and general welfare, the City Council desires to prohibit the feeding of feral birds and animals. "Feral birds and animals" means all birds and animals that are born in or have reverted to the wild, and are not domesticated or tamed, including but not limited to peafowl, crows, pigeons, seagulls, coyotes, opossums, skunks, raccoons and nondomesticated rodents.

### NOTIFICATION

Rolling Hills Community Association, Flying Mane Road residents and other residents that addressed the City Council on this issue previously.

RC:yh

ORDINANCE NO. 353

AN ORDINANCE OF THE CITY OF ROLLING HILLS ADDING A NEW CHAPTER 6.64 TO THE ROLLING HILLS MUNICIPAL CODE PROHIBITING THE FEEDING OF FERAL BIRDS AND ANIMALS.

The City Council of the City of Rolling Hills does ordain as follows:

Section 1. Findings. The feeding of feral birds and animals results in an increase in their numbers and a concomitant increase in the deposit of fecal matter on property detrimental to public health and hygiene. Feeding feral animals also attracts rodents, possums and insects that constitute a public nuisance. Fecal matter generated by the feeding of feral birds and animals is being washed into storm drains, causing an increase in bacteria and virus levels in storm water runoff, eventually making its way to the Pacific Ocean and degrading water quality. In the interest of protecting and promoting the public health, safety, and general welfare, the City Council desires to prohibit the feeding of feral birds and animals.

Section 2. A new Chapter 6.64 is hereby added to Title 6 (Animals) of the Rolling Hills Municipal Code to read as follows.

Chapter 6.64 FEEDING OF FERAL BIRDS AND ANIMALS

Sections:

Section 6.64.010. Feeding of Feral Birds and Animals Prohibited. Except as provided below, it is unlawful for any person to feed or offer food to any feral birds or animals at any place in the city. For purposes of this section, “feeding” and “offering food” includes but is not limited to placing, scattering, exposing, leaving outdoors, or distributing any food, seed or other edible material in a manner that is intended to attract, entice or be available and accessible to feral birds or animals. “Feral birds and animals” means all birds and animals that are born in or have reverted to the wild, and are not domesticated or tamed, including but not limited to peafowl, crows, pigeons, seagulls, coyotes, opossums, skunks, raccoons and nondomesticated rodents.

Nothing in this section shall be deemed to prohibit:

- A. Above-ground bird feeders.
- B. Keeping, treating or feeding wildlife pursuant to a valid certificate or permit issued by the State of California or an agency of the United States government.

C. Feeding of a feral bird or animal between the time animal control is notified and the time the animal or bird is picked up.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JAMES BLACK  
MAYOR

ATTEST:

\_\_\_\_\_  
YVETTE HALL  
INTERIM CITY CLERK

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES       ) §§  
CITY OF ROLLING HILLS         )

I certify that the foregoing Ordinance No. 353 entitled:

**AN ORDINANCE OF THE CITY OF ROLLING HILLS  
ADDING A NEW CHAPTER 6.64 TO THE ROLLING  
HILLS MUNICIPAL CODE PROHIBITING THE  
FEEDING OF FERAL BIRDS AND ANIMALS**

was approved and adopted at a regular meeting of the City Council on \_\_\_\_\_, 2017 by  
the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.

\_\_\_\_\_  
YVETTE HALL  
INTERIM CITY CLERK