

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE ADDING CHAPTER
7.18 (FEEDING OF WILDLIFE) TO TITLE
7 (ANIMALS) OF THE FORT BRAGG
MUNICIPAL CODE TO PROHIBIT THE
FEEDING OF WILDLIFE**

ORDINANCE NO. 971-2021

WHEREAS, the City of Fort Bragg (“City”) is a city organized under the laws of the State of California with authority to enact ordinances to protect the public health, safety and welfare within the City under Article XI, Section 7 of the California Constitution; and

WHEREAS, the feeding of wildlife can lead to negative impacts on animals, people and the environment; and

WHEREAS, feeding wildlife can lead to aggressive behavior towards humans, which presents health and safety concerns for residents and visitors of the City; and

WHEREAS, feeding wildlife can artificially support the growth and carrying capacity of urban wildlife populations, compromising wildlife health and increasing human exposure to, and potential conflicts with wildlife; and

WHEREAS, feeding wildlife can cause certain species to localize activity in the vicinity of the food source, thus increasing associated negative impacts on property owners and/ or individuals within those neighborhoods; and

WHEREAS, Section 251.1 of Title 14 of the California Code of Regulations prohibits the harassment of any game or nongame bird or mammal or furbearing mammal, expressly including intentional acts such as feeding that disrupt the animal’s natural foraging behavior; and

WHEREAS, the City Council finds that an ordinance prohibiting the intentional and negligent feeding of certain types of wildlife, as defined, and further specifying types of permissible and prohibited conduct regarding interaction with wildlife in the City, is consistent with the City’s long-standing commitment to protect and conserve biological resources and public safety and will promote the public health, safety and welfare.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and are made a part of this ordinance.

2. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section 2. Municipal Code Amendment. Title 7 (“Animals”) of the City of Fort Bragg Municipal Code is hereby amended to add Chapter 7.18 (“Feeding of Wildlife”) as follows:

CHAPTER 7.18 FEEDING OF WILDLIFE

7.18.010	Purpose
7.18.020	Definitions
7.18.030	Feeding of Wildlife Prohibited
7.18.040	Exceptions
7.18.050	Violation -- Penalty

7.18.010 Purpose

Feeding of wildlife is both detrimental to wildlife health and causes a public health nuisance and safety hazard that negatively impacts public health and welfare.

This chapter is intended to prohibit, with certain exceptions, the feeding of wildlife within the City of Fort Bragg to protect the environment and promote the public health, safety and welfare.

7.18.020 Definitions

For purposes of this article, the following definitions shall apply:

“**Feed**” means to give, distribute, place, expose, deposit, or scatter any edible material on any public or private property with the intention of feeding, attracting, domesticating or enticing wildlife, whether or not wildlife is in the vicinity at the time. Feeding does not include baiting in the permitted and legal take or depredation of wildlife in accordance with federal, state and local law.

“**Person**” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

“**Wildlife**” means any non-domesticated species of animal including but not limited to coyotes, deer, wild turkeys, foxes, skunks, raccoons, possums, squirrels, ducks, geese, ravens, crows, and gulls.

7.18.030 Feeding of Wildlife Prohibited

A. No person shall purposely or knowingly feed wildlife on public or private property in the City of Fort Bragg.

B. No person shall leave or store any refuse, garbage, pet food, seed or birdseed, fruit, meat, dairy, vegetable, grain or other food in a negligent manner likely to feed wildlife.

C. No person shall fail to take remedial action to cease contact or conflict with wildlife, including to secure or remove outdoor refuse, cooking grills, pet food, backyard bird feeders or any other similar food source or attractant, after being advised by the City of Fort Bragg to undertake such remedial action.

7.18.040 Exceptions

The prohibitions in Section 7.18.030 do not apply to:

A. Landscaping, gardening, and/or maintaining vegetable gardens, fruit and nut trees or other plants, so long as such activities are not conducted for the purpose of feeding wildlife as defined in this article.

B. Feeding of birds, except wild turkeys, outdoors on private residential properties using bird feeders, to the extent authorized by law and subject to the following requirements:

1. Bird feeders shall be placed at least five (5) feet above the ground and shall be suspended on a cable or otherwise secured so as to prevent the bird feeders from being easily accessible to other wildlife.
2. The feeding shall not substantially interfere with the rights of surrounding property owners.
3. The area below and around bird feeders must be kept clean and free of seed and an accumulation of feces.
4. No person shall knowingly allow or permit bird feeders to become an attractant for rodents or other wildlife other than birds.
5. Bird feeders shall be kept clean to prevent the spread of disease among wild bird populations.

C. Any State or local employee or agent authorized to implement a wildlife management program involving baiting, or any other person or business lawfully authorized to bait and trap wildlife pursuant to State law.

D. Any person who is the legal owner or guardian of a wildlife species maintained and confined under a valid license or permit issued by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, and in compliance with all applicable laws.

E. A wildlife rehabilitator, under a valid license or permit issued by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, who is temporarily caring for sick, injured, or orphaned wildlife in compliance with all applicable laws.

F. Any person who feeds trapped, injured, or orphaned wildlife between the time that a wildlife rehabilitator or agency charged with animal control is notified and the time the animal is picked up. Any person that discovers such trapped, injured, or orphaned wildlife must immediately notify an authorized animal control agency, and no person may intentionally keep such wildlife beyond the time reasonably necessary for animal control services to access and transport the wildlife.

G. Baiting, for the purpose of trapping, feral cats as part of a Society for the Prevention of Cruelty to Animals (SPCA) approved Trap-Neuter-Release program.

H. Any property owner baiting, for the purpose of trapping, wildlife on their property when authorized by, and in accordance with, State law including but not limited to trapping gophers, house mice, moles, rats, and voles pursuant to Fish and Game Code section 4005(f); taking of certain mammals found injuring crops or property pursuant to Fish and Game Code section 4152; taking of certain nongame birds and mammals such as weasels, skunks, opossum, moles and rodents pursuant to 14 CCR § 472; or as otherwise permitted and authorized by State law.

Section 7.18.050 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 1.12 of this code.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Peters at a regular meeting of the City Council of the City of Fort Bragg held on September 13, 2021 and adopted at a regular meeting of the City of Fort Bragg held on September 27, 2021 by the following vote:

**AYES:
NOES:
ABSENT:**

**ABSTAIN:
RECUSED:**

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: July 29, 2021 and October 7, 2021 (by summary).
EFFECTIVE DATE: October 27, 2021.