

**CITY OF HUNTINGTON BEACH
LEGAL NOTICE**

**ORDINANCE NO. 4068
Adopted by the City Council on SEPTEMBER 8, 2015**

"AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH ADDING SECTION 13.48.075 TO THE HUNTINGTON BEACH MUNICIPAL CODE REGARDING TO PARKS"

SYNOPSIS:

The hazards of feeding waterfowl are numerous and include avian diseases, overpopulation, interbreeding (feral and domestic fowl come together for the food), property damage (the "grazing" results in landscape problems), poor water quality, and non-migration. Residents have reported that feeding wildlife is a daily occurrence at City parks. Currently, State law clearly prohibits the feeding of waterfowl in city parks, while the language in the City ordinance is not as clear.

State law reads: "No person shall harass, herd or drive any game or nongame bird or mammal or furbearing mammal. For the purposes of this section, 'harass' is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering. This section does not apply to a landowner or tenant who drives or herds birds or mammals for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops."

While the City includes the "feeding" of any wild animal, including waterfowl, in their definition of "maltreatment," the previous ordinance did not clearly articulate the "prohibition of feeding." Therefore, the importance of the prohibition of feeding was not easily understood or recognized by residents. For this reason, City Council directed the City Attorney to review the existing municipal code language that prohibited the feeding of wildlife, and to bring new language to the City Council for adoption as an amendment to the current Municipal Code.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held September 8, 2015 by the following roll call vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Sullivan, Delgleize, Peterson

NOES: None

ABSTAIN: None

ABSENT: None

THE FULL TEXT OF THE ORDINANCE IS AVAILABLE IN THE CITY CLERK'S OFFICE.

This ordinance is effective 30 days after adoption.

**CITY OF HUNTINGTON BEACH
2000 MAIN STREET
HUNTINGTON BEACH, CA 92648
714-536-5227
JOAN L. FLYNN, CITY CLERK**