

**ORDINANCE NO. 19-1412**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY  
ADDING A CHAPTER 12 TO ARTICLE IV OF THE DOWNEY MUNICIPAL  
CODE PROHIBITING THE FEEDING OF WILDLIFE**

**WHEREAS**, the City of Downey is a city organized under the laws of the State of California, with a duty and interest in protecting the public health, safety, and welfare within the City; and

**WHEREAS**, feeding wildlife can harm 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 conflict 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**, an ordinance prohibiting the intentional and negligent feeding of wildlife would follow the lead of many other cities in California, and national and state parks, is consistent with the City's long-standing commitment to protect and conserve biological resources and public safety.

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

**SECTION 1.** The City Council of the City of Downey hereby amends the City of Downey Municipal Code, Article IV ("Public Welfare, Morals and Policy") by adding Chapter 12 ("Feeding Wildlife") to read as follows:

**"Chapter 12 – FEEDING WILDLIFE**

**4980 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 feeding wildlife within the City of Downey as to protect public and environmental health, safety and welfare, and to prescribe penalties for failure to comply.

**4981 DEFINITIONS.**

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

"Feed" means to give, distribute, place, expose, deposit, or scatter any edible material on any public or private property that results in or would likely result in the feeding, attracting, enticing or domesticating wildlife. Feeding does not include baiting in the permitted and legal take or depredation of wildlife in accordance with federal, state and local law.

"Feral cat" means any cat that can no longer be domesticated, and includes house cats that have been abandoned and have become unsocialized to humans.

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

“Wildlife” means coyotes, foxes, skunks, raccoons, opossums, squirrels, ducks, geese, crows, feral cats, and gulls.

**4982 FEEDING OF WILDLIFE PROHIBITED.**

(a) No person shall purposely or knowingly feed wildlife in the City of Downey, on lands either publicly or privately owned.

(b) No person shall leave or store any refuse, garbage, pet food, seed or bird seed, 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, or any other similar food source or attractant, after being advised by a City of Downey Code Enforcement Officer to undertake such remedial action.

**4983 EXCEPTIONS.**

The prohibitions in Section 4982 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 chapter.

(b) Feeding of birds outdoors on private residential properties using bird feeders.

(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 times that a wildlife rehabilitator or agency charged with animal control is notified and 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.

(h) Any property owner baiting, for the purpose of trapping, wildlife on their property 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 California Code of Regulations Section 472; or as otherwise permitted and authorized by State law.”

**SECTION 2.** The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in the physical change to the environment, directly or indirectly.


**SECTION 3.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect that validity of the remaining portion of this Ordinance. The City Council of the City of Downey hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or other portions might subsequently be declared invalid or unconstitutional.

**SECTION 4.** The City Clerk shall certify the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

**APPROVED AND ADOPTED** this 25<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
RICK RODRIGUEZ, Mayor

**ATTEST:**


  
\_\_\_\_\_  
MARIA ALICIA DUARTE, CMC  
City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES ) ss:  
CITY OF DOWNEY         )

I HEREBY CERTIFY that the foregoing Ordinance No. 19-1412 was introduced at a Regular Meeting of the City Council of the City of Downey held on the 11<sup>th</sup> day of June, 2019, and adopted at a Regular Meeting of the City Council of the City of Downey held on the 25<sup>th</sup> day of June, 2019, by the following vote, to wit:

AYES:	Council Members:	Ashton, Frometa, Saab, Pacheco, Mayor Rodriguez
NOES:	Council Member:	None.
ABSENT:	Council Member:	None.
ABSTAIN:	Council Member:	None.

I FURTHER CERTIFY that a Summary of the foregoing Ordinance No. 19-1412, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on June 13, 2019 (after introduction), and on June 27, 2019 (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.

  
\_\_\_\_\_  
MARIA ALICIA DUARTE, CMC  
City Clerk