

Approved as to Form and Legality

Introduced by Councilmember JEAN QUAN

A. Madon
City Attorney
S. Mosk

OAKLAND CITY COUNCIL

Ordinance No. 12817 C.M.S.

AN ORDINANCE TO PROHIBIT THE FEEDING OF FERAL PIGEONS IN THE LAUREL AND DIMOND COMMERCIAL ZONES.

This ordinance implements a ban on feeding feral pigeons in the Laurel and Dimond commercial zones in order to protect public health and prevent the dependency of a feral animal on human involvement.

WHEREAS, the feeding of feral pigeons results in the conditioning of pigeons to return to the area where fed and thereby increases the number of these birds in such areas; and

WHEREAS, the increased numbers of feral pigeons results in an unwanted depositing of fecal matter on public and private property; and

WHEREAS, fecal matter damages property, makes public and private walkways unsafe to walk on, and reduces the ability to conduct regular business in commercial zones; and

WHEREAS, feral pigeons present health risks because they and their feces carry diseases, such as ornithosis, cryptococcosis, and dermatitis, that can be transmitted to humans; and

WHEREAS, commercial zones have a high density of people and food vendors and are more susceptible to public health risks that are linked to feral pigeons; and

WHEREAS, feral pigeons are hardy intelligent birds that can survive without being fed by humans; and

WHEREAS, effective and humane methods to discourage feral pigeons from commercial zones and public spaces include: closing up open areas like vents and eaves; installing bird barriers, angled ledges, or sonic repellers; visual deterrents, and eliminating human feeding; and

WHEREAS, for the safety of humans, the City Council desires this ordinance to establish a procedure and means for the prohibition of feeding feral pigeons in commercial zones and other public spaces.

THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1: The Oakland Municipal Code is hereby amended to add, delete or modify sections as set forth below; additions are indicated by underscoring and deletions are indicated by ~~strike through type~~.

6.04.345. Feeding Of Feral Pigeons

A. Definitions

“Commercial Zone”, for the purposes of this section, means: The Laurel shopping area is defined as that area of Oakland generally bounded by Midvale at MacArthur to the north, east on Midvale to Kansas, south on Kansas to 38th Avenue, west on 38th Avenue to Masterson, south on Masterson to the south side of High, west on High to MacArthur, south on MacArthur to Greenacre, returning on MacArthur to High, west on High to Virginia including the shopping center, across High to the north side of High, east on High to the 580 Freeway, north on a straight line to the south end of Redding, north on Redding to MacArthur, west on MacArthur to Quigley, north on Quigley to Midvale, east on Midvale returning to MacArthur.

The Dimond shopping area is defined as that area of Oakland generally bounded by Excelsior Avenue at MacArthur on the northwest, southeast on both sides of MacArthur to Dimond, northeast on Dimond to Dimond Park, continuing southeast on both sides of MacArthur to Fruitvale, northeast on both sides of Fruitvale to Coloma, continuing southeast on both sides of MacArthur and including May Court to Coolidge, returning on both sides of MacArthur to Lincoln, west on Lincoln to Champion, southwest on Champion to Montana, northwest on Montana to MacArthur, southeast on MacArthur returning to Excelsior Avenue.

This area prohibiting the feeding of feral pigeons will also include both sides of MacArthur from Midvale to Coolidge

“Feed” means purposely providing food, including but not limited to grain, seeds, greens, bread crumbs, and other miscellaneous food scraps intended for pigeon ingestion.

“Feral pigeon” means the common pigeon, *Columba livia*, also known as the Rock Dove, in its wild state. Privately raised pigeons used for recreational

purposes are not feral pigeons and are exempt from this section.

“Public Property” means any real property owned by any State, County or local governmental entity within the City.

“Street” See Section 1.04.010 for definition of “Street” as well as other related definitions.

B. Pigeon Feeding Prohibited

No person shall feed any feral pigeons on any public street, or on public or private property in any portion of the City zoned as a Commercial Zone.

C. Enforcement

A violation of the above is an infraction as defined at Section 1.28.020A.2.d. The above section is enforceable by the Oakland Police Department or other authorized City of Oakland employees. See Section 1.24.020A. Offenders are subject to fines.

D. Fine Schedule

A first offense shall be punishable by a fine of twenty five dollars (\$25), and a second offense within a period of one year, shall be punishable by a fine of fifty dollars (\$50), and a third or subsequent offense within a one year period, shall be punishable by a fine of one hundred dollars (\$100).

1.28.020 Violations as infraction.

B. Any person convicted of an infraction under the provision of the code shall be punishable upon a first conviction by a fine of not more than one hundred dollars (\$100.00) and, for a second conviction within a period of one year, by a fine of not more than two hundred dollars (\$200.00) and, for a third or any subsequent conviction within a one-year period, by a fine of not more than five hundred dollars (\$500.00). Any violation beyond the third conviction within a one-year period may be charged by the City Attorney or the District Attorney as a misdemeanor and the penalty for conviction of the same shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six months or by both. Exceptions: See Section 6.04.345, Feeding of Feral Pigeons.

Section 2: Severability: If any article, section subsection, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions that shall remain in full force and effect.

Section 3: Effective Date: This ordinance shall become effective September 1, 2007.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 17 2007

PASSED BY THE FOLLOWING VOTE:

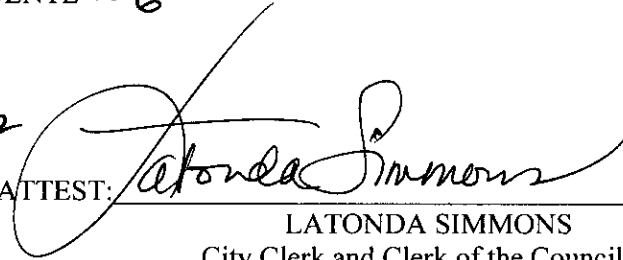
AYES – ~~BRUNNER~~, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, ~~KIYACK~~ and
PRESIDENT DE LA FUENTE - 6

NOES – 0

ABSENT – 0

ABSTENTION – Reid, Brooks - 2

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

Introduction Date: JUL - 3 2007