



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Proposed Amendment to Title 6 (Animals) of the Sunnyvale Municipal Code to Modernize and Reorganize Content

BACKGROUND

Staff from the Department of Public Safety, Animal Control Unit, and the Office of the City Attorney have worked collaboratively for several years to produce a complete update and revision of Title 6 (Animals) of the Sunnyvale Municipal Code. The last comprehensive update to Title 6 occurred in the 1970s. Since that time, many laws, policies, and procedures have changed related to animal care, control, and welfare. Additionally, several of the proposed updates reflect land use changes and the substantial growth of the City's population, increasing from 96,000 to 155,000, since the 1970s.

EXISTING POLICY

General Plan

Chapter 4, Community Character, Policy CC-1.6 Maintain City neighborhoods as safe, healthy places to live.

Chapter 6, Safety and Noise, Goal SN-3 Safe and Secure City. Ensure a safe and secure environment for people and property in the community by providing effective public safety response and prevention and education services.

Chapter 6, Safety and Noise, Policy SN-4-2 Provide for assessment of changing community needs and expectations.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

DISCUSSION

The proposed update to Title 6 (Attachment 1) includes new, updated, and modernized regulations that reflect contemporary and industry standards, as well as provides consistency with other local municipalities. Staff also proposes reorganizing content to make Title 6 easier to use, follow, and understand.

The proposed update covers a wide variety of subjects such as the proper and adequate care of animals, maximum number of dogs and cats per household, maximum number of litters per household per year, animals in vehicles, feeding wildlife, animal bites and quarantines, dog park

rules, noisy and dangerous animals, reporting stray animals, selling animals, impounding animals, and small animals and livestock.

A matrix (Attachment 2) of major, significant, or noteworthy changes to Title 6 provides a summary and explanation of the proposed changes by topic. For example, the current code does not expressly prohibit feeding wild animals. Staff is proposing restrictions relating to feeding wild animals, with some exceptions such as bird feeders and licensed trappers. The proposed update would provide animal control officers with the authority to address unhealthy, unsanitary, and nuisance conditions that often result from feeding wildlife.

Additionally, some sections of Title 6 are proposed to address changes in community priorities and behaviors, such as the addition of dog parks in Sunnyvale. Currently there are no codified rules in designated dog parks. The proposed ordinance adds language to help ensure that dog parks are safe for animals and community members to enjoy. Specifically, the proposed dog park regulations would prohibit unlicensed and unvaccinated dogs (as required by state law), prohibit animals other than dogs, provide no more than two dogs per person, and limit persons under the age of 13 from independently supervising dogs in dog parks.

Several provisions related to incremental criminal enforcement have also been updated to provide for additional discretion by an animal control officer, which aligns with the unit's shift toward education and incremental penalties before criminal citations. Animal control officers rely on state law to address criminal violations such as leaving animals in vehicles under dangerous conditions, use of illegal animal traps, animal quarantines, and poisoning and abusing animals. Currently, under state law, animal control officers are limited to handling such violations by issuing a warning or pursuing criminal charges through the District Attorney's Office. Adopting the proposed revisions would provide an additional enforcement option for violations that may not rise to the level of criminal prosecution, yet are serious enough to warrant action beyond a warning. Under the authority of the Sunnyvale Municipal Code, an animal control officer could issue a citation for an infraction, which results in a fine only and has no ramifications in criminal court; however, the recipient would still be provided the opportunity to contest the citation in court.

To solicit community input, City staff held outreach meetings at the Sunnyvale Community Center on June 30, 2019 from 3:00 p.m. to 4:00 p.m. and on August 1, 2019 from 6:00 p.m. to 7:00 p.m., a Facebook Live presentation on August 8, 2019, and conducted a comprehensive on-line survey through Open City Hall that was available from August 16, 2019 through September 1, 2019.

A total of 23 people attended the two community meetings and twelve people logged on to Facebook Live. A total of 453 people responded to the survey and 813 comments were posted. Comments from the community outreach meetings are attached to this Report to Council (Attachment 3). Community outreach survey results and comments are also attached (Attachment 4). Because the proposed update to Title 6 Animals is so comprehensive and includes numerous topics, the comments are included as attachments, rather than summarized.

The outreach meetings and survey were announced through the Department of Public Safety and the City's social media platforms including Twitter, Facebook, Instagram, Nextdoor, and the community calendar. Flyers about the community meetings and survey were posted at Sunnyvale's two dog parks (i.e., Las Palmas Park and Seven Seas Park), the Sunnyvale Municipal Tennis Center, and the Sunnyvale Community Center. The survey was also sent to all nine Sunnyvale veterinarian offices.

FISCAL IMPACT

None.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Introduce an Ordinance amending Title 6 of the Sunnyvale Municipal Code to modernize and reorganize Title 6.
2. Introduce an Ordinance amending Title 6 of the Sunnyvale Municipal code, with modifications, to modernize and reorganize Title 6.
3. Do not introduce the Ordinance.

STAFF RECOMMENDATION

Alternative 1: Introduce an Ordinance amending Title 6 of the Sunnyvale Municipal Code to modernize and reorganize Title 6.

Prepared by: Christy Gunvalsen, Neighborhood Preservation Manager

Reviewed by: Phan S. Ngo, Director, Public Safety

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Draft Ordinance Title 6 of the Sunnyvale Municipal Code (Redline Version)
2. Title 6 Matrix Summary and Explanation
3. Outreach Meetings and Facebook Live Results
4. Community Survey Results
5. Draft Ordinance Title 6 of the Sunnyvale Municipal Code (Clean Version)