

ORDINANCE 6,805–N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 10.04.088 TO CLARIFY
REQUIREMENTS FOR SPAYING/NEUTERING FERAL CATS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Section 10.04.088 of the Berkeley Municipal Code is amended to read as follows:

10.04.088 Feral cats--Public nuisance--Spaying/neutering required if sheltering.

A. Feral cats are hereby declared to be a public nuisance. Feeding or sheltering feral cats is a violation of this section, unless the person doing so establishes to the City that he or she (a) is working with an animal agency or group registered with the animal shelter, or licensed veterinarian, to spay or neuter the cats in the colony, (b) is making available to the Animal Services staff the documentation of sterilization procedures every two weeks, commencing with the date feeding or sheltering began, and (c) after three months has completed the sterilization of 90% of the feral cats, and after five months has completed the sterilization of 100% of the feral cats. If the person (a) is not working with an animal agency or group registered with the animal shelter, or licensed veterinarian to spay/neuter the feral cats, (b) has not made available to the Animal Shelter proper documentation every two weeks, (c) has not spayed/neutered 90% of the feral cats within three months, or (d) has not spayed/neutered 100% of the feral cats within five months, the person may be cited for a violation of this section. For purposes of this section, "Feral Cat" shall mean an undomesticated or wild cat, or a cat that has reverted to a wild or undomesticated state.

B. The City may abate a public nuisance created by feral cats by seizing the feral cats on public property or, if on private property, by any means of abatement provided for in Chapter 1.24 or other law, including seizing the feral cats.

C. This section is not intended to prevent a private party from asserting any legal rights he or she may have to enjoin or seek damages against a person feeding feral cats which affect that private party. (Ord. 6568-NS § 1, 2000)

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on May 25, 2004, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Councilmembers Breland, Hawley, Maio, Olds, Shirek, Spring, Worthington,
Wozniak and Mayor Bates.

Noes: None.

Absent: None.

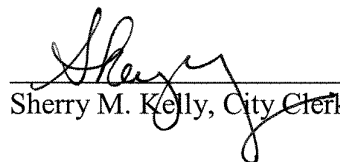
At a regular meeting of the Council of the City of Berkeley held on June 1, 2004, this Ordinance was adopted by the following vote:

Ayes: Councilmembers Breland, Hawley, Maio, Olds, Shirck, Spring, Worthington, Wozniak and Mayor Bates.

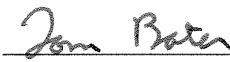
Noes: None.

Absent: None.

ATTEST:



Sherry M. Kelly, City Clerk



Tom Bates, Mayor

In effect: July 1, 2004