

**ORDINANCE NO. 11-\_\_\_\_\_**

AN URGENCY ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 7.06.010 OF THE LAGUNA WOODS MUNICIPAL CODE, RELATING TO DISCHARGE OF FIREARMS.

WHEREAS, the existing Laguna Woods Municipal Code contains section 7.06.010 regulating the discharge of firearms within the City; and

WHEREAS, that section does not make provision for the permissible use of firearms to control situations arising from threats of wild animals, at large within the City, who may present threats to persons and property; and

WHEREAS, the City has experienced a recent spate of increased threats and confrontation to residents from coyotes, who have confronted residents, and attacked leashed pets, causing danger and injury to City residents; and

WHEREAS, the City's animal control officers have advised that the City is experiencing elevated levels of threatening activity from coyotes in and around various parts of the City, evidenced both by the increasing number of confrontations and the fact that such confrontations are occurring during daylight hours; and

WHEREAS, the City has attempted to address this situation with responsive measures limited to non-lethal control strategies, and these attempts to date have not proven effective in addressing the problem; and

WHEREAS, the City of Laguna Woods in one in which the free pedestrian circulation and safety of residents throughout the City is and has been a priority; and

WHEREAS, City Council has determined that the coyote situation now being faced by the City is one which presents immediate peril to residents and occupants of the City, which must be addressed to assure the safety and free pedestrian movement within the City, both by day and by night; and

WHEREAS, the City's animal control officers have advised, and a review of various literature on coyote control techniques confirms, that an effective program of control of this elevated level of coyote confrontation and threat to residents and their pets requires an integrated response solution, including public information regarding elimination of conditions and attractive nuisances giving rise to attracting coyotes, and that traditionally such integrated programs also include the ability to control aggressive individual animals through the controlled use of firearms, by trained professionals and under controlled circumstances, to ensure effective and immediate response to the threats posed by such animals; and

WHEREAS, Government Code section 36934 allows the City Council to pass an urgency ordinance immediately upon introduction at a special meeting; and

WHEREAS, City Council finds that the amendment of Municipal Code section 7.06.010, and specifically a provision allowing the City Manager and the Police Chief to permit animal control professionals to discharge firearms if the control or destruction of dangerous animals, generally, and coyotes specifically, is required for the immediate preservation of the public peace, health, and safety, due to the rising incidents of coyote confrontations with residents and their pets, and the increasing aggressiveness being observed by such coyotes in such confrontations.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. The above recitals are true and correct, and the facts stated therein are supported by substantial evidence presented to the City Council by City staff in connection with the consideration of this Ordinance, and constitute the findings required under Government Code section 36937(b) supporting the urgency nature of this ordinance.

Section 2. Chapter 7.06, Public Safety, section 7.06.010 "Discharge of Firearms," is hereby repealed, in its entirety.

Section 3. A new section 7.06.010, "Discharge of Firearms" is hereby enacted, to read as follows:

Section 7.06.010. - Discharge of firearms.

(a) It shall be unlawful for any person to discharge or cause to be discharged a firearm within the City, except as may be otherwise permitted by State or Federal law. For purposes of this section, the term "firearm" shall mean any rifle, pistol, revolver, handgun, air gun, paintball gun, BB gun, bow, crossbow, slingshot, or any other device of any kind, character, or description which throws, projects, or expels a bullet, arrow, projectile, missile, or similar item or substance by means of force, air, pressure, or explosion, and is likely to cause bodily or property harm. The term "firearm" shall not include tools that use small amounts of air pressure to drive nails, bolts, fasteners, or screws when used for construction purposes.

(b) Subsection (a) of Section 7.06.010 shall not apply to:

(1) A peace officer acting in his or her official line of duty.

(2) Persons who have obtained a written permit from the City Manager for controlled discharges in ceremonial situations. The City Manager may impose any conditions that are deemed necessary or desirable, including, but not limited to, limitations on the duration of the permit, the hours of the permit, the locations where the permit is valid, and the type or caliber of weapons used.

(3) Licensed pest control companies, exterminators, veterinarians, or similar animal control professionals who have obtained a written permit from the City Manager and Police Chief for the control or destruction of dangerous animals. The City Manager and Police Chief may impose any conditions that are deemed necessary or desirable, including, but not limited to, verification of the firearms training or experience of the individuals covered by the permit, limitations on the duration of the permit, the hours of the permit, the locations and surrounding circumstances where the permit is valid, and the type or caliber of weapons used.

Section 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance Amendment, or any part thereof, is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such a decision shall not affect the validity or effectiveness of the remaining portions of this ordinance, or any part thereof. City Council hereby declares it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, without regard to the fact that one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases, are declared unconstitutional, invalid, or ineffective.

Section 5. This Ordinance shall take effect and be in full force and effect, immediately upon the date of its final passage and adoption by a four-fifths (4/5) vote of the City Council, or until otherwise superseded by action of the City Council or operation of State law.

Section 6. The City Council finds that this ordinance is exempt from review under the California Environmental Quality Act ("CEQA") under the provisions of Title 14, California Code of Regulations ("Regs.") section 15269(c), as action taken to prevent or mitigate an emergency, relating to escalating threats from coyotes as evidenced by a series of recent confrontations between coyotes and residents and their pets; Regs. section 15306, as facilitating resource evaluation activities which do not result in a major disturbance to an environmental resource, in that the permits provided for herein provide an option to the City's animal control program as part of an ongoing investigation of a multi-faceted response to necessary demands for coyote control; and Regs. section 15308, as a regulatory step in actions authorizing by the City's animal control program to assure maintenance of the environment, which regulatory process includes procedures for protection of the environment.

Section 7. The City Clerk shall certify the passage of this Ordinance, and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED, AND ADOPTED THIS 28<sup>TH</sup> DAY OF JULY, 2011.

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BERT HACK, Mayor

ATTEST:

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YOLIE TRIPPY  
Deputy City Clerk

APPROVED AS TO FORM:

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DAVID B. COSGROVE  
City Attorney

State of California )

County of Orange )  
City of Laguna Woods )

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, California, DO  
HEREBY CERTIFY THAT THE FOREGOING ORDINANCE NO. 11- \_\_\_\_\_ WAS DULY  
INTRODUCED AND PASSED AT A SPECIAL MEETING OF THE CITY COUNCIL ON  
THE 28<sup>th</sup> DAY OF JULY, 2011, BY THE FOLLOWING VOTE:

AYES:            COUNCILMEMBERS:  
NOES:            COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

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YOLIE TRIPPY  
Deputy City Clerk