

DRAFT

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY OF SAN JOSE TO AMEND SECTION 10.32.140 OF CHAPTER 10.32 OF TITLE 10 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW PERSONS WITH A DULY ISSUED AND APPROVED TRAPPING LICENSE AND WILD PIG DEPREDATION PERMIT FROM THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE TO UTILIZE BOW AND CROSSBOW EQUIPMENT FOR WILD PIG DEPREDATION WITHIN THE LIMITS OF THE CITY UNDER SPECIFIED CIRCUMSTANCES AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

WHEREAS, on November 5, 2013, the City Council adopted Ordinance No. 29336 as an urgency ordinance to allow persons with duly issued and approved wild pig depredation permits from the California Department of Fish and Wildlife to discharge firearms within the limits of the City under specified circumstances, which was to remain in effect only until February 5, 2014; and

WHEREAS, on February 4, 2014, the City Council adopted Ordinance No. 29377 as an urgency ordinance, to remain in effect through February 2, 2015, to extend the provisions of Ordinance No. 29336; and

WHEREAS, on February 24, 2015, the City Council adopted Ordinance No. 29532 amending Section 10.32.010 of the San José Municipal Code to codify certain provisions of Ordinance No. 29336; and

WHEREAS, activity by feral or wild pig populations has been intermittent and recurring in the City depending on weather and seasonal conditions and remain a destructive nuisance; and

WHEREAS, many feral or wild pigs, despite the efforts of professional trappers, become “trap wise” and cannot be trapped using bait; and

WHEREAS, the City desires to adopt an urgency ordinance to be effective until December 31, 2020, to allow persons with duly issued and approved trapping licenses and wild pig depredation permits from the California Department of Fish and Wildlife to use bows and crossbows within the limits of the City under specified circumstances; and

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the City has certified that certain Final Program Environmental Impact Report for the Santa Clara Valley Habitat Plan Final Environmental Impact Report/Environmental Impact Statement (the "Final EIR") and the City Council adopted its related Resolution No. 76546 in connection therewith; and

WHEREAS, the City of San José has determined that no new effects would occur from and no new mitigation measures would be required for the adoption of this Ordinance and that adoption of this Ordinance is within the scope of and in furtherance of the Santa Clara Valley Habitat Plan, taken together with the Final EIR, related Resolution No. 76546, and the Addendum to the FEIR prepared for this Ordinance under File No. PP13-103; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the Final EIR, related Resolution No. 76546 and the Addendum to the FEIR prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 10.32.140 of Chapter 10.32 of Title 10 of the San José Municipal Code is amended to read as follows:

10.32.140 Projectile Weapons Prohibited

- A. No person shall, within the limits of the City of San José, make use of any slingshot, crossbow or similar device, or discharge or propel any dart, pellet, BB, rock, bolt, arrow or any other projectile from any air rifle, air pistol, BB gun, pellet gun, slingshot, rubber sling, crossbow or other instrument or device by means of which missiles of any kind or description are hurled, shot or projected.
- B. The prohibition in subsection A shall not apply to the use of bows and crossbows at archery and crossbow ranges within the city. Bows and crossbows shall be used at ranges in a manner that will not endanger the public health, safety and general welfare.
- C. The prohibition in subsection A shall not apply to the use of bows and crossbows by a person with a valid trapping license issued by the California Department of Fish and Wildlife pursuant to California Fish and Game Code Section 4005, as may be amended, who is conducting wild pig depredation in compliance with all of the following requirements:
 - 1. Possession of and compliance with the requirements of a wild pig depredation permit duly issued and approved by the California Department of Fish and Wildlife pursuant to California Fish and Game

Code Section 4181 and Section 401 of Title 14 of the California Code of Regulations, as each may be amended;

2. Notice of intent to engage in wild pig depredation with a bow or crossbow is provided to the San José Police Department, Park Ranger Unit with the Department of Parks, Recreation & Neighborhood Services, Santa Clara County Sheriff's Office, California Highway Patrol, and California Department of Fish and Wildlife at least twenty four (24) hours prior to any planned depredation activities. Notice shall include the wild pig depredation permit number, location within the City where planned activities will take place, and the name of any licensed trapper who will make use of a bow or crossbow for wild pig depredation;
3. No bow or crossbow may be used within 150 yards of a public street or highway, or within 150 yards of any structure used as a permanent or temporary residence unless the structure is owned or occupied by the party for which the depredation permit was issued;
4. Any person engaged in depredation activities in accordance with this subsection C shall wear a vest, jacket, shirt, or similar article of clothing that is hunter or blaze orange.

D. Subsection C shall be in effect through December 31, 2020.

SECTION 2. This Ordinance is declared by the City Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety. The facts constituting such urgency are as follows: There have been recent reports in the Almaden Valley area that feral or wild pigs continue to inflict damage to private property in San José, most recently the Coyote Creek Golf Club. Further, since wild pigs have

tusks, can travel in herds, and are known carriers of diseases, their continued presence in residential and commercial areas is a menace and could lead to confrontations that endanger public health and safety. Finally, despite efforts to trap them, some feral or wild pigs have become “trap wise,” meaning they can no longer be trapped, therefore alternative methods for depredation are necessary and required for such pigs.

SECTION 3. This Ordinance shall become effective immediately upon its adoption pursuant to Section 605 of the Charter of the City of San José.

ADOPTED this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk