



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Cano

**SUBJECT:** Urgency and Regular Ordinance to  
Control Feral Pig Population

**DATE:** October 5, 2020

Approved

Date

10/5/20

## SUPPLEMENTAL

### REASON FOR SUPPLEMENTAL

The purpose of the supplemental memorandum is to provide the City Council with information and safety concerns from staff if the urgency ordinance is adopted.

### RECOMMENDATION

- (a) Delay consideration of the following until such time as staff can further evaluate appropriate public safety protocols of the proposal; or
- (b) As recommended by the Rules and Open Government Committee on September 30, 2020, Adopt a temporary urgency ordinance, and/or regular ordinance, to amend Section 10.32.140 of Chapter 10.32 of Title 10 of the San José Municipal Code to allow a person with a State trapping license to use a bow or crossbow in the City of San José for the purposes of wild pig depredation on private property pursuant to a depredation permit approved by the California Department of Fish and Wildlife.

### OUTCOME

If the recommendation forwarded from the Rules and Open Government Committee is adopted, the temporary urgency ordinance would allow a licensed trapper to use a bow and arrow in the City of San Jose for the purposes of wild pig depredation on private property pursuant a depredation permit from the California Department of Fish and Wildlife. If the Council makes the required determination of urgency under Charter Section 605, the urgency ordinance would take effect immediately upon adoption and be effective until the end of the year, or through December 31, 2020.

## **BACKGROUND**

Feral or wild pigs continue to be a destructive nuisance in the City. According to recent reports in the Almaden Valley area, such pigs continue to inflict damage on private property, most recently the Coyote Creek Golf Club which has been affected financially due to damages, customer complaints, and repairs.

In 2015 the Council amended Municipal Code Section 10.32.010 to allow a person to dispatch a feral pig with a firearm pursuant to a depredation permit so long as that pig was in a trap and the San Jose Police Department was notified one hour before discharge of the firearm. However, despite efforts to trap them, some feral pigs have become “trap wise,” meaning they can no longer be trapped. No other means are available to dispatch such pigs as Section 10.32.010 only allows for the discharge of a firearm if the pig is trapped and Section 10.32.140 prohibits the use of any projectile weapon like a bow or crossbow.

## **ANALYSIS**

At the Rules and Open Government Committee on September 30, 2020, staff was directed to prepare a temporary urgency ordinance to allow a licensed trapper, pursuant to a depredation permit to use a bow or crossbow on private property for the purposes of feral pig depredation.

The San José Police Department was contacted to provide input on the matter. The San José Police Department has safety concerns in relation to the act of actively hunting feral pigs, in an urban environment, that is not in a trap. SJPD is aware that feral pigs are a problem and causing damages, but some items should be addressed prior to an adoption of a temporary urgency ordinance. SJPD is recommending additional discussions on this matter. If the City Council requests further analysis of this matter, the additional discussions would be focused on the following concerns, pending staff availability:

- What is the vetting process for a certified trapper and what, if any, is their distinguishing uniform, markings, or credentials?
- What is the threshold for the deployment of these trappers in an area or neighborhood?
- What are the restrictions on the types of areas or neighborhoods where a trapper might be deployed?
- Address the notification process to residents in the area who may witness an armed subject or subjects with a weapon(s).
- Address the notification process to SJPD, Santa Clara County Sheriff's Department, and California Highway Patrol (share jurisdictional boundaries within the City of San José).
- What will be the criteria for the use of traps versus the open use of a bow and arrow?

- If traps are not used, especially in a more urban setting, what is the backdrop if the trapper misses a moving animal. Even a high-powered bow and arrow can cover significant distance, with potential unintended injury, if the target is missed.

## **CONCLUSION**

At the Rules and Open Government Committee on September 30, 2020, staff was directed to prepare a temporary urgency ordinance to address feral pigs. Since the matter has a public health and safety component, the San José Police Department was contacted. The San José Police Department is not recommending the urgency ordinance to be adopted, until the concerns from SJPD has been addressed. Staff is recommending that this matter is delayed until a later time.

## **EVALUATION AND FOLLOW-UP**

The Department of Public Works will coordinate with the San José Police Department to evaluate the appropriate course of action, address the safety concerns, and provide a report at a future council meeting.

## **CLIMATE SMART SAN JOSE**

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

## **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the October 6, 2020 Council Meeting.

## **COORDINATION**

San José Animal Care and Services Division of Department of Public Works Department consulted with the Attorney's Office, Department of Planning, Building and Code Enforcement, and the San José Police Department during the preparation of this report.

## **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.

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**CEQA**

The environmental impacts of this change are addressed by a Final EIR entitled “Santa Clara Valley Habitat Plan,” Resolution No. 76546, and the Addendum to the FEIR prepared for this Ordinance File No. PP13-103.

/s/

MATT CANO

Director of Public Works

For questions, please contact Jay Terrado, Deputy Director (408) 794-7223.