
ORDINANCE NO. 669

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
REPEALING AND REPLACING TITLE 7 (ANIMALS) OF THE MORRO BAY MUNICIPAL
CODE TO ADOPT AND INCORPORATE BY REFERENCE SAN LUIS OBISPO COUNTY
CODE TITLE 9 (ANIMALS) AND TO RETAIN CERTAIN CITY REQUIREMENTS
REGARDING ANIMALS AND FINDING THE ACTION NOT SUBJECT TO CEQA**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, the City of Morro Bay, California ("City") is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, Title 7 of the Morro Bay Municipal Code currently sets forth the animal control regulations applicable within the City; and

WHEREAS, the Division of Animal Services ("Division") for the County of San Luis Obispo ("County") was established to provide animal care and control functions relating to the care, keeping, and management of animals within the County; and

WHEREAS, the City contracts with the Division for the provision of animal control services within the City and the Division works in conjunction with the City's Police Department and other City personnel to administer such services within the City's boundaries; and

WHEREAS, in 2024, the County updated Title 9 of its Municipal Code to enhance animal control regulations, including amendments to licensing requirements, public safety standards, and enforcement measures; and

WHEREAS, the City has reviewed these updates and now seeks to amend Title 7 of the Morro Bay Municipal Code to substantially incorporate Title 9 of the San Luis Obispo County Code to ensure alignment with regional animal control standards and maintain the Division's jurisdiction for services within the City while tailoring certain provisions to address the specific needs of the City, as set forth in the proposed Ordinance attached hereto as Exhibit "A"; and

WHEREAS, any and all other legal prerequisites relating to adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA FINDS AND ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds that the foregoing recitals set forth above are all true and correct and are incorporated herein by this reference.

SECTION 2. Municipal Code Amendments. The City Council desires to adopt the proposed Ordinance, repealing and replacing Title 7 (Animal) of the Morro Bay Municipal Code to read as follows.

Chapter 7.04 GENERAL PROVISIONS

7.04.010 Adoption and incorporation of San Luis Obispo County Animal Control Code (Title 9).

The provisions of San Luis Obispo County Animal Control Code, Title 9, as amended from time to time, are adopted by reference and incorporated in their entirety as equivalent provisions of the Morro Bay Municipal Code. To the extent any provision or provisions of the San Luis Obispo County Animal Control Code, Title 9, as adopted, conflict with any other provision or provisions of the Morro Bay City Municipal Code, the other provision or provisions of the Morro Bay Municipal Code shall take precedence.

7.04.020 Enforcement of Animal Control provisions within City

The provisions of this Title are enforceable within the jurisdictional boundaries of the City of Morro Bay by the San Luis Obispo County Division of Animal Services and County of San Luis Obispo Animal Control Officer, or designee, pursuant to and in accordance with the terms of a contract for animal care and control services entered into between the City and the County, and by City Code Enforcement and the City Police Department.

7.04.130 Pet Shop Permit refusal, suspension.

Notwithstanding SLOCC Section 9.06.006, whenever the issuance of a permit is refused, suspended, or a permit is revoked, the applicant or permittee may appeal the action to the city council within ten days. The clerk shall set the matter for hearing at the earliest possible date and shall give reasonable notice of the time and place of the hearing to the applicant or permittee and to the San Luis Obispo County Division of Animal Services ("division"). The city council, or its designee, shall hear the evidence offered by the applicant or permittee and the division, and shall forthwith decide the issue. The decision of the city council or its designee, shall be final.

Chapter 7.08 OTHER ANIMALS, POULTRY AND BIRDS

7.08.010 Wild bird sanctuary.

The city is designated a bird sanctuary, and signs bearing the legend "Morro Bay is a bird sanctuary" shall be placed at appropriate locations at or near the city limits at principal entrances to the city.

(Ord. 480 (part), 2000)

7.08.015 Molesting wild birds—Nuisance remedies.

No person shall trap, shoot, hunt, molest, injure or kill any wild birds, or tamper, damage or destroy the nests or eggs of any wild birds within the city. Should the city council determine by resolution that birds protected under this chapter have become so numerous or destructive in any particular location or area as to constitute a menace and danger to the public health, safety or property, the council may provide for such remedies appropriate under the circumstances.

(Ord. 480 (part), 2000)

7.08.020 Poultry, rabbits and other fowl.

- A. No person shall keep upon any premises in the city more than twelve of any poultry, rabbits, or other fowl:
 - 1. Within fifty feet of any dwelling; and
 - 2. The owner or person in charge of such rabbits, poultry or other fowl kept in the city shall provide suitable houses or cotes with board or cement floors in each and every house and cote and such houses, cotes or pens shall at all times be kept clean.
- B. No rooster over four months old shall be kept on any premises in the city, unless the premises involved is operating on a commercial basis or is on an agricultural zoned parcel in conformance with existing zoning regulations and state statutes governing such commercial operation.

(Ord. 480 (part), 2000; Ord. 234 (part), 1982)

7.08.025 Livestock.

- A. Except as otherwise permitted in this chapter, no person shall own, keep, maintain, stake or pasture any bovine, swine, sheep, goat, horse or other livestock upon any premises in the city unless the lot or parcel size is a minimum twenty thousand square feet or, the parcel is in a properly zoned agricultural district in which case the number of animals shall not exceed the maximum density allowed for such animals pursuant to Section 17.30.060 of this code.
- B. All such fences, enclosures, corrals or pens used to restrain such animals in this section must be of adequate materials and properly maintained to humanely enclose and protect the animals and prevent the trespass of such animals upon any private property or upon any street or other public place.

(Ord. 480 (part), 2000; Ord. No. 654, § 6, 11-22-22)

7.08.030 Keeping of pygmy livestock.

Pygmy livestock may be kept or maintained upon any premises subject to the following conditions:

- A. Male pygmy livestock must be neutered before they reach sexual maturity.
- B. Pygmy livestock shall be subject to the leash law.
- C. No person or persons may own, harbor, or maintain or cause to be maintained more than two pygmy animals at any dwelling within the city, unless such dwelling is on a parcel that meets the size and zoning criteria as contained in Section 7.16.040 in which case the number of animals shall be limited to the maximum listed density allowed as codified.

(Ord. 480 (part), 2000; Ord. 459 § 42, 1997; Ord. 434 § 2, 1993; Ord. 234 (part), 1982)

SECTION 3. Compliance with the California Environmental Quality Act (CEQA). This interim ordinance is not subject to CEQA (Public Resources Code Section 21000 et seq.) pursuant to CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) Section 15060(c)(2) [activity will not result in a direct or reasonably foreseeable indirect physical change in the environment]. Additionally or alternatively, this interim ordinance is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) [it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment], 15307 [Class 7, categorical exemption for regulatory activity to assure the protection of natural resources], and 15308 [Class 8, categorical exemption for regulatory activity to assure the protection of natural resources]. Further, this interim ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15269(c) because it prevents a clear and imminent danger that requires immediate action to prevent or mitigate the loss of, or damage to, life, health, property, and essential public services.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall be in full force and effect thirty (30) days after its passage.

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SECTION 6. Certification. The City Clerk shall certify as to the passage and adoption of this ordinance, and the City Clerk shall cause the same to be posted and codified in the manner required by law.

INTRODUCED at a regular meeting of the City Council held on the 25th day of March 2025, by motion of Council Member _____ and seconded by Council Member _____.

PASSED AND ADOPTED on the ____ day of _____, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

APPROVED AS TO FORM:

ROBERT W. SCHULTZ, Interim City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)
CITY OF MORRO BAY)

I, Dana Swanson, CITY CLERK FOR THE CITY OF MORRO BAY, HEREBY CERTIFY the foregoing Ordinance Number 669 was duly adopted by the City Council of the City Council of the City Morro Bay at a regular meeting of said Council on the _____ day of _____ 2025 and that it was so adopted on by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this _____ day of _____, 2025.

DANA SWANSON, City Clerk