



MEETING DATE: 2/07/05
ITEM NO. 5

COUNCIL AGENDA REPORT

DATE: January 20, 2005
TO: MAYOR AND TOWN COUNCIL
FROM: ORRY P. KORB, TOWN ATTORNEY *OK*
SUBJECT: ADOPT ORDINANCE AMENDING TOWN CODE, CHAPTER 4, ARTICLE I, REPEALING SECTION 4.10.085 CONCERNING STEEL ANIMAL TRAPS

RECOMMENDATION:

1. Adopt ordinance that was introduced at the Council meeting of January 18, 2005.
2. Instruct the Clerk Administrator to either:
 - (a) publish the ordinance within 15 days after adoption, or
 - (b) publish a summary no more than 15 days after adoption (if summary published before adoption).

DISCUSSION:

On January 18, 2005, Council introduced the attachment, which amends the Town Code, Chapter 4, Article I concerning steel animal traps.

Attachments: Ordinance

PREPARED BY: ORRY P. KORB, TOWN ATTORNEY

OPK:LMB/wp [N:\ATY\Trap-Adopt.TCR.wpd]

Reviewed by: *[Signature]* Manager *PS* Assistant Town Manager _____ Clerk Administrator
Finance _____ Community Development

Rev: 1/20/05 10:26 am

Reformatted: 7/19/99

File# 301-05

ORDINANCE

AN ORDINANCE OF THE TOWN OF LOS GATOS AMENDING TOWN CODE CHAPTER 4, ARTICLE I, BY REPEALING SECTION 4.10.085 CONCERNING STEEL ANIMAL TRAPS

WHEREAS, Town Code section 4.10.085 was adopted in 1994 in order to prohibit the use of steel jawed traps as defined in Fish and Game Code section 4004;

WHEREAS, an initiative entitled Proposition 4 was approved on November 3, 1998, adding section 3003.1 to the Fish and Game Code to prohibit all forms of body-gripping traps, except where authorized federal, state, county, or municipal government employees determine that the use of a padded-jaw leghold trap is necessary to protect human health or safety;

WHEREAS, Town Code section 4.10.085 has caused confusion regarding the authority of authorized county employees to use padded-jaw leghold traps to protect human health or safety in Los Gatos; and

WHEREAS, in light of the prohibition contained in Fish and Town Code section 3003.1, Town Code section 4.10.085 is no longer necessary and should be repealed in order to avoid further confusion regarding the authority of authorized county employees to use padded-jaw leghold traps to protect human health or safety in Los Gatos.

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ORDAINS:

SECTION I

Chapter 4, Article I, is amended by repealing section 4.10.085.

SECTION II

In the event that any part of this ordinance is held to be invalid, the invalid part or parts shall be severed from the remaining portions which shall remain in full force and effect.

SECTION III

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on _____, 2005, and adopted by the following vote as an Ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on _____, 2005. This Ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

**MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

ATTEST:

**CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

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