

ORDINANCE NO. 3541 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

ADD M.C.C. SECTION 6-9.2 TO REQUIRE A SIGN AND WRITTEN DISCLOSURE TO NOTIFY CUSTOMERS IF ANIMAL BOARDING FACILITIES DO NOT HAVE A FIRE DETECTION SYSTEM AND AUTHORIZE THE MAYOR TO SIGN A LETTER TO SENATOR MONNING URGING CHANGES TO STATE LAW TO ADDRESS THIS ISSUE

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, the City is proposing to amend the Monterey City Code to require a sign and written disclosure notifying customers if an animal boarding facility does not have a fire detection system;

WHEREAS, in July 2015, a fire caused 15 animals to pass away at a local animal boarding facility;

WHEREAS, the City intends to amend the City code to protect the health, welfare and safety in the City of Monterey; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines"), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Section 6-9.2 is hereby added to read as follows:

6.9-2 Animal Boarding Disclosure Requirements for Facilities that Do Not Have a Fire Detection System

A. Definitions.

(1) Animal Boarding means:

(a) Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.

(b) Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air conditioned.

(c) Animals Retail Sales. Retail sales that includes incidental boarding of animals, provided such activities take place within an entirely enclosed building.

B. Disclosure Requirements.

(1) The business owner is required to install a sign. The sign shall be not less than 8"x10", with the first word printed in 50-point bold type, and the remaining words at least 30-point type with the following statement: **ADVISORY This building is not protected with a fire sprinkler or monitored fire alarm.**

This sign shall be posted in a conspicuous place at the main entrance of the building.

(2) Upon registration, the business owner is required to obtain a customer's written acknowledgment that the building is not protected with a fire sprinkler or monitored fire alarm.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 17th day of May, 2016, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barrett, Downey, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City

