

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

AMENDING ALAMEDA MUNICIPAL CODE BY ADDING SECTION 7-9.9 (ANIMAL TESTING BAN) TO ARTICLE 7-9 (GENERAL PROVISIONS) OF CHAPTER VII (ANIMAL CONTROL), TO PROHIBIT ANIMAL TESTING AND EXPERIMENTATION ON PROPERTY OWNED OR CONTROLLED BY THE CITY OF ALAMEDA IN ITS PROPRIETARY CAPACITY

WHEREAS, the City Council desires to limit animal testing and experimentation on property owned or controlled by the City in its proprietary capacity.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda:

Section 1. The Alameda Municipal Code is hereby amended by adding new Section 7-9.9, inclusive, (Animal Testing Ban) of Article 7-9 (General Provisions) of Chapter VII (Animal Control) to read as follows:

7-9.9. Animal Testing Ban.

No person shall engage in or permit animal testing or experimentation on any property owned or controlled by the City of Alameda in its proprietary capacity with the exception of any property owned or controlled by the City of Alameda in its proprietary capacity and zoned AP-E1 (Enterprise-1), AP-E2 (Enterprise-2), AP-E3 (Enterprise-3) or AP-E4 (Enterprise-4), where animal testing or experimentation may be performed as part of research related to anticipated or actual United States Food and Drug Administration, United States Department of Agriculture, United States Environmental Protection Agency or other regulatory filings related to human or animal therapeutics, vaccines, devices and parasiticides. "Controlled" for purposes of this section refers to any property of which the City is not a fee simple owner but holds proprietary control (including but not limited to any property of which the City is a tenant, subtenant, lessee, sublessee, or licensee). The prohibitions set forth in this section shall not apply to animal shelters, animal hospitals, veterinary offices, adoption, grooming, and animal care facilities, and similar uses. This section is not and shall not be construed to be an exercise of the City's zoning or land use authority.

Section 2. CEQA DETERMINATION

The City Council finds and determines that the adoption of this ordinance does not constitute a "project" as defined in California Environmental Quality Act (CEQA) Guidelines Section 15378 and therefore no further CEQA analysis is required.

Section 3. SEVERABILITY

If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect

without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 4. IMPLIED REPEAL

Any provision of the Alameda Municipal Code inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this Ordinance.

Section 5. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____ 2024, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____ 2024.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda