



# City of San Antonio

## Agenda Memorandum

**File Number:**  
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**Agenda Item Number:** 4

**Agenda Date:** September 17, 2024

**In Control:** Public Safety Committee

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**DEPARTMENT:** Animal Care Services

**DEPARTMENT HEAD:** Michael Shannon, Interim Director

**COUNCIL DISTRICTS IMPACTED:** Citywide

### **SUBJECT:**

Briefing and possible action on a City Council Consideration Request (CCR) to consider a Bird Sanctuary designation for San Antonio and establishment of a city policy on the handling of wild peafowl. (Parks and Recreation Department and Animal Care Services).

### **SUMMARY:**

The Animal Care Services Department will present a briefing on a City Council Consideration Request (CCR) submitted by Councilwoman Marina Alderete Gavito, District 7, requesting City Staff consider a Bird Sanctuary designation for the city of San Antonio. This CCR outlines actions associated with the handling of protected bird populations and a specified fine for violations. In addition, the CCR addresses the establishment of a new ordinance specific to wild peafowl. This briefing will allow an opportunity for input from Committee members.

### **BACKGROUND INFORMATION:**

The Texas Parks and Wildlife Department (TPWD) makes available a community focused certification, known as the Bird City Texas program, which focuses on the protection of native birds and their habitat. The City of San Antonio has achieved this certification in 2021. The

certification requires a commitment in three (3) different areas - Community Engagement, Habitat Enhancement and Protection, and Creation of Safer Spaces for Birds.

As a non-native species, peafowl are considered “exotic fowl” by Texas Parks and Wildlife and are not subject to the Federal Migratory Bird Act. As such, there are limited regulations for peafowl, and they are not afforded the same protections as native species. Since they are also considered wildlife, the Animal Care Services (ACS) Department only responds to peafowl issues that is a cruelty-related matter or if the peafowl is injured.

As it currently stands in San Antonio, it is unlawful to abuse or cruelly treat peafowl, use inhumane traps, sell peafowl in public places, or hunt wild peafowl in public spaces or on private property without the owner’s permission.

### **ISSUE:**

For many residents, peafowl are a valued part of their neighborhood and serve as an attraction for the area. For others, peafowl are disruptive and destructive, as they can cause excessive noise, as well as damage to roofs, cars, and gardens. Some cities have enacted ordinances restricting or allowing peafowl management efforts (such as ordinances that prohibit feeding or enable trapping and relocation), but management of peafowl nuisance has been found to be best achieved through education on responsible behavior of neighborhood residents.

As proposed by the CCR submitted by Councilwoman Marina Alderete Gavito, District 7, Animal Care Services staff will conduct a set of neighborhood meetings where these peafowl are currently to obtain public input on the following:

- 1) Formalizing San Antonio as a Bird Sanctuary where the capture, killing, shooting, trapping, removal, or relocation of birds is not permitted by untrained or unlicensed individuals and is punishable by an appropriate fine not to exceed \$500; unless for the purposes of capturing and relocating an injured bird with the intent of transporting it for rehabilitation at a designated rescue location.
- 2) Creating a policy that allows ACS to humanely capture, remove, and relocate peafowl or other exotic bird, only after taking community input into account and whereas the benefits of relocation outweigh the costs, to a sanctuary or rescue within city limits whenever possible.
- 3) Creation of an ordinance to only allow licensed/permitted handlers to remove and relocate peafowl or other exotic birds to ensure their safety.

### **FISCAL IMPACT:**

This item is for briefing purposes only.

### **ALTERNATIVES:**

This item is for briefing purposes only.

**RECOMMENDATION:**

ACS recommends hosting public meetings in September and October to garner feedback from stakeholders impacted by peafowl presence in San Antonio. ACS recommends presenting feedback to the Animal Care Services Advisory Board before bringing the issue and policy recommendations back to the Public Safety Committee in December.