

CITY OF BANDON

CITY COUNCIL AGENDA DOCUMENTATION

DATE: October 3, 2022

SUBJECT: Ordinance 1653- Amending Wildlife Feeding Ordinance

ITEM NO. 5.4.2

BACKGROUND:

The City has received numerous complaints of health concerns and property damage resulting from the attraction and feeding of seagulls, crows, racoons, skunks, opossums, and other wildlife. The Bandon Municipal Code grants the City Council the authority to define activities as a public nuisance, rendering them subject to Chapter 8.08 of the Bandon Municipal Code. The City Council previously passed a resolution defining wildlife feeding as a nuisance. However, an Ordinance would be clearer and provide better notice to the public.

The attached ordinance clarifies code provisions related to animal feeding. **Note:** Crows are considered songbirds.

FISCAL IMPACT:

Violations would be subject to fines and penalties.

RECOMMENDATION:

1. Request the City Attorney read Ordinance 1653 by title only.
2. **Motion 1:** Pass Ordinance 1653 to a second reading by roll call vote.
3. If a full Council is present and the motion to pass to a second reading was approved unanimously, request City Attorney read Ordinance 1649 by title only for the second time.
4. **Motion 2:** Adopt Ordinance 1653 by roll call vote.

SUBMITTED BY:



Dan Chandler City Manager

ORDINANCE NO. 1653

AN ORDINANCE AMENDING SECTION 6.24.150 OF THE BANDON MUNICIPAL CODE ADDRESSING WILDLIFE FEEDING.

Whereas, there have been cases in the City of Bandon where the feeding of wildlife, including birds has caused significant damage to nearby property, and attracts disease vectors; and

Whereas, the State of Oregon recommends that persons not feed wildlife; and

Whereas, feeding wildlife is harmful to wildlife; and

Whereas, feeding wildlife attracts rats and other disease vectors; and

Whereas pursuant to Bandon Municipal Code Section 8.08.040(B) allows the City to declare certain unenumerated activities as public nuisances:

Now therefore, the City of Bandon resolves as follows:

Now, therefore,

THE CITY OF BANDON ORDAINS AS FOLLOWS:

Section 1. Bandon Municipal Code Section 6.24.150 is amended as follows:

6.24.150 Feeding Wild Animals Prohibited Activity

~~A. It is unlawful for any person to intentionally feed wild turkeys within the City Limits of Bandon at all times.~~

A. The attracting or feeding of wild animals within the city limits is declared to be a public nuisance and is prohibited at all times. This prohibition includes a person placing or knowingly allowing food or other attractants to be placed or to remain on their property or public property with the intent of attracting or feeding wild animals. Nothing contained in this section shall prohibit the feeding of songbirds provided that the food is contained in a feeder which is reasonably designed to avoid access by wild animals and placed in a manner to avoid access by wild animals. This section does not prohibit the feeding of wild animals kept under a valid permit issued by the Oregon Department of Fish and Wildlife.

B. "Wild animal" means any amphibian, bird, fish, mammal, reptile or other animal which is not normally domesticated in this state; or any non-domestic, or untrained animal

which because of its size, natural disposition, or other characteristic constitutes a hazard or menace to persons or animals or is likely to damage property. Without limiting the generality of the foregoing, such animals include, but are not limited to, a bear, rat, mouse, coyote, opossum, raccoon, rabbit, skunk, squirrel or any bird other than songbirds as defined herein.

C. "Songbird" means any of a large number of bird species in which the vocal organ is developed in such a way as to provide various sound notes commonly known as a bird song. Songbirds are generally described as passerines.

D. "Attractant" means any substance that draws animals to a particular location and includes, but is not limited to, food, garbage, or salt lick. Attractant does not include lawns, flowers, shrubs, trees, or gardens that are eaten by wild animals.

E. Notwithstanding any other provision of this code, or penalty prescribed by statute, any person found in violation shall be subject to a minimum \$100 and maximum \$250 fine for the first offense. Additional offenses shall be subject to the provisions of Chapter 6.30 of the Bandon Municipal Code.

Section 2. Effective Date.

This ordinance takes effect and becomes operative 30 days from the date of passage.

First reading this ___ day of _____, 2022.

Second reading and passage by this Council this ___ day of _____, 2022.

Signed by the Mayor this __ day of _____, 2022.

ATTEST:

SIGNED:

June Hinojosa, City Recorder

Mary Schamehorn, Mayor