

# CITY OF GEARHART

## **Staff Report**

For City Council Meeting - 08/01/2018

### ***Subject - New Business - Feeding of elk - Discussion***

**Synopsis:** During the July city council meeting, Bebe Michel suggested the city enact an ordinance prohibiting the feeding of elk within the city limits of Gearhart. Mrs. Michel provided the council with two documents. The first document has an outline of her thoughts and suggestions. The second document is the Warrenton ordinance with Mrs. Michel's suggested edits.

#### **Documents Attached:**

- Mrs. Michel's Request
- Warrenton ordinance with Mrs. Michel's suggested edits
- Oregon Fish and Wildlife feeding flyer
- City of Medical Lake Washington ordinance

**Recommended Motion:** None

**Legal Analysis:** None

**Financial Analysis:** Low impact

#### **Options:**

- Instruct staff to draft an ordinance and bring it back for a future hearing.
- Bring topic to a future worksession
- Do nothing

Respectfully submitted,



Chad

## City Council Meeting Request

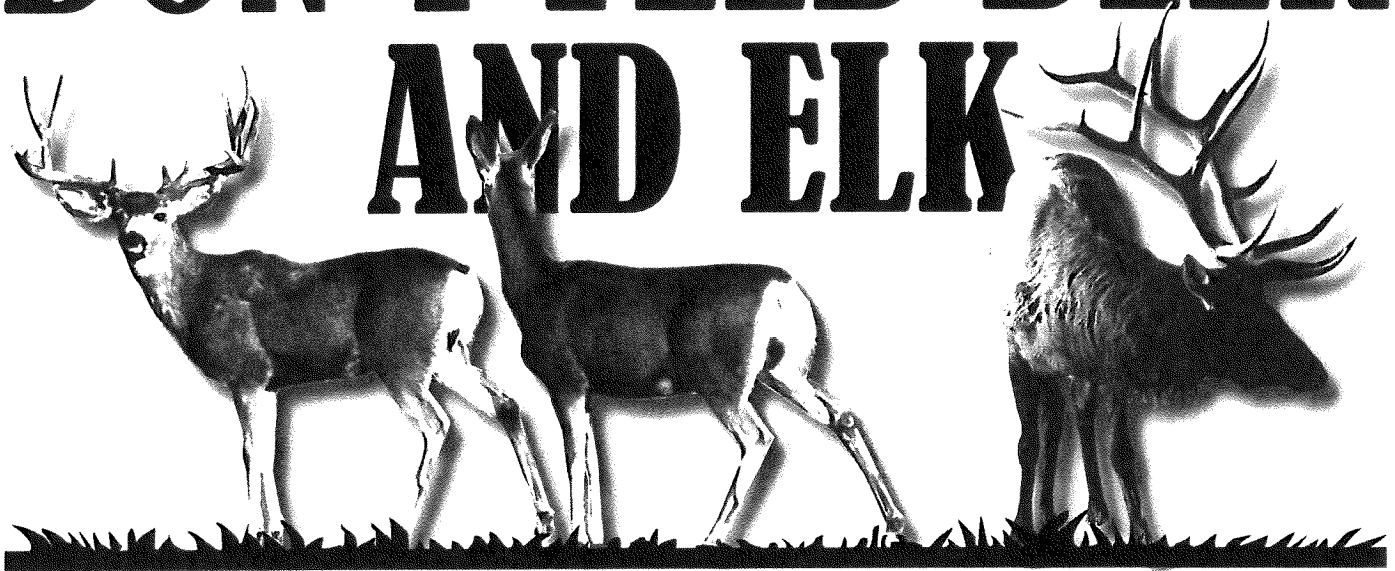
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### Prohibit the attracting or feeding of elk

- In the interest of public safety and the elk herd, I respectfully request that Gearhart City Council draft and enact an ordinance to prohibit the feeding of elk.
- I have been learning about and following the elk concerns that affect Gearhart and the Clatsop Plains.
- I attended both the Gearhart ODFW informational meeting and the Warrenton Town Hall a few months ago.
- From the Warrenton meeting it was clear that feeding the elk (e.g. hand feeding apples) habituated the elk to viewing humans as a food source and no longer having a natural fear of humans.
- There were instances where people were being followed by elk thinking that the humans were going to feed them which then resulted in elk becoming aggressive and necessitated that at least one elk be killed. It was later learned that this particular elk had been hand fed by a Warrenton resident who loved the elk.
- In order to avoid injury, humans and elk must keep their distance from each other.
- In order to avoid injury, humans must not be seen as a source of food.
- Warrenton has a wildlife ordinance in effect that addresses and prohibits the feeding of all manner of wildlife.
- I have copies of the Warrenton ordinance (chapter 6.09) for council, the mayor and administrator.
- If I may, I propose that a Gearhart ordinance only address the issue of feeding elk.
- Since elk pose the greatest risk to humans, in my view, prohibiting the feeding of elk is the most urgent issue.
- Other wildlife do not pose the same threat. I would expect that the people of Gearhart will have many varied opinions on whether or not to feed other wildlife as defined in the Warrenton ordinance so we can save a lot of discussion and dissension if we focus on the elk issue alone.
- For these reasons, I request that council address the singular issue of feeding elk in drafting the ordinance.
- In closing, please do both humans and elk a favor — do not feed the elk.

Submitted by: Bebe Michel  
661 10th St, Gearhart

# DON'T FEED DEER AND ELK



Well-intentioned people often feed deer, elk and other wildlife without realizing the problems feeding can create:

- Artificial feeding concentrates wildlife, which leads to the easier spread of disease and parasites and easier take by predators.
- Feeding deer and elk attracts their natural predators like cougars and coyotes to areas of human activity.
- Once wildlife associate people with giving them food, they come to expect it. Feeding will invite more deer and elk to your property and encourage them to stay.
- Artificial feeding can cause deer and elk to become habituated to humans and aggressive towards them.
- Concentrating deer and elk in human-settled areas can lead to an increase in vehicle collisions and conflicts between wildlife and pets.
- Concentrating deer and elk can hurt habitat by encouraging excessive grazing.

Every year, ODFW also sees seemingly healthy deer and elk die because they have been fed the wrong food by well-intentioned people. Their diet requirements actually change with the seasons and are best met by native forage. Deliberately feeding deer or elk may inhibit digestion and lead to death by starvation or infection.

ODFW does feed deer and elk at several wildlife areas during the winter, to keep them off adjacent agricultural lands where they damage crops. These feeding programs are long-term commitments that require significant financial and staffing resources. Feeding starts early in the season so deer and elk's digestive systems do not have to quickly readjust to new food types, and continues every day, no matter what, until forage conditions improve. Feeding areas are located away from human-populated areas to decrease conflicts. ODFW also conducts disease testing at some feeding sites.

For more information, visit ODFW's web page at [www.dfw.state.or.us](http://www.dfw.state.or.us) or call your local ODFW field office or ODFW Headquarters at **800-720-ODFW (6339)**



Warrenton Municipal Code

w/suggested edits

Title 6 ANIMALS

## Chapter 6.09 PROHIBITING THE ATTRACTING OR FEEDING OF WILDLIFE

### 6.09.010 Definitions of terms.

As used in this chapter:

"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.

"City" means the City of Warrenton.

"Feeder" means any device or container used for feeding animals.

"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.

"Wildlife" shall include any animal which is not normally domesticated including, but not limited to, ~~bear, cougar, coyote, wolf, deer, elk, feral cats, foxes, groundhogs, opossums, raccoons, squirrels, skunks, and turkeys.~~ (Ord. 1200-A § 1, 2016)

### 6.09.020 Attracting or feeding of wildlife prohibited.

The attracting or feeding of <sup>elk</sup> wildlife within the City limits is declared to be a public <sup>safety issue</sup> nuisance and is prohibited at all times. This prohibition includes any manner by which a person places or knowingly allows food or other attractants to be placed on their property or public property with the intent of attracting or feeding wildlife. Nothing contained in this section shall prohibit the feeding of songbirds or squirrels provided that the food is contained in a feeder which is reasonably designed to avoid access by wildlife and placed in a manner to avoid access by wildlife. This section does not prohibit the feeding of wildlife kept under a valid permit issued by the Oregon Department of Fish and Wildlife (ODFW). (Ord. 1200-A § 1, 2016)

### 6.09.030 Abatement.

Should the City Manager determine that a feeder for songbirds and squirrels is attracting wildlife; the City shall require the removal of such feeder. Failure to remove a feeder within 24 hours from notification shall constitute a separate violation. (Ord. 1200-A § 1, 2016)

### 6.09.040 Penalties.

Submitted by: Bebe Michel  
661 10<sup>th</sup> St. Greatport

## CITY OF MEDICAL LAKE ORDINANCE NO. 1031

An ordinance of the City of Medical Lake, Washington adding Chapter 7.06 to the Medical Lake Municipal Code prohibiting the feeding of deer, elk and moose within the City of Medical Lake, providing penalties for violation, and providing for the effective date thereof.

WHEREAS, the City of Medical Lake, Washington, is surrounded by farmland and other open spaces; and

WHEREAS, the City Council recognizes that there is a significant population of deer, elk and moose in and around the City; and

WHEREAS, the presence of so many deer, elk and moose in and around the City poses issues for the citizens of the City, including, but not limited to damage to shrubs, flowers, gardens and trees, potential traffic hazards and other potential health and safety risks; now therefore

THE CITY COUNCIL OF THE CITY OF MEDICAL LAKE DO ORDAIN:

SECTION 1. There is hereby added to the Medical Lake Municipal Code Chapter 7.06 Feeding Deer, Elk and Moose Prohibited.

SECTION 2. There is hereby added to the Medical Lake Municipal Code Section 7.06.010 Definition to read as follows: Section 7.06.010 Definitions. The following words, terms and phrases when used in this Chapter shall have the following meanings, except where the context clearly indicates a different meaning:

1. Deer, elk and moose. A wild slender-legged hooved ruminant mammal that is a member of Cervidae family including: *Odocoileus hemionus* (mule deer), *Odocoileus virginianus* (white-tail deer), *Cervus elaphus* (elk) and *Alces alces* (moose). Also referred to as buck (male deer), doe (female deer), fawn (young-of-the-year deer), bull (male elk or moose), cow (female elk or moose), or calf (young-of-the-year elk or moose).
2. Feed or feeding: The intentional act of furnishing, or otherwise making available, food or other substance which is likely to be consumed by deer, elk and moose.

SECTION 3. There is hereby added to the Medical Lake Municipal Code Section 7.06.020 Feeding Deer, Elk and Moose Prohibited to read as follows: Section 7.06.020. Feeding Deer, Elk and Moose Prohibited. No person shall feed, cause to be fed, or intentionally provide or make available any food, including but not limited to corn, deer chow, apples, straw, cabbage or any ground feeding attractants, or any other substances,

including but not limited to salt licks, for consumption by deer, elk or moose on any property, public or private, within the City.

SECTION 4. There is hereby added to the Medical Lake Municipal Code Section 7.06.030 Gardens and Fruit Trees Not Prohibited to read as follows: Section 7.06.030. Exceptions. (A) This Ordinance shall not apply to any ornamental, native, edible vegetation planted or maintained for consumption or any combination thereof which is natural to that particular land owned or occupied where foraging of deer is occurring. For example, by way of illustration only, this Ordinance shall not apply to apples or acorns generated from an apple tree or oak/acorn tree located upon the subject premises or carrots and corn grown in a garden located upon the subject premises.

(B) This Ordinance shall not apply to trees, shrubs, or vegetation planted as landscaping.

(C) This Ordinance shall not apply to feeding of domesticated animals to include chicken and other fowl.

(D) This Ordinance shall also not apply to any persons acting for professional purposes to include: animal control officer, veterinarian, peace officer, City employee or federal or state wildlife officials.

SECTION 5. There is hereby added to the Medical Lake Municipal Code Section 7.06.040 Violation which shall read as follows: Section 7.06.040 Violation. A violation of any provision of this Chapter shall be a civil infraction, subject to a civil penalty as follows:

1. First violation: \$50.00 plus statutory costs and assessments.
2. Second offense: \$100.00 plus statutory costs and assessments.
3. Third: \$150.00 plus statutory costs and assessments.
4. Each subsequent: \$250.00 plus statutory costs and assessments, which the Court shall not mitigate.
5. When an individual is issued a citation for the civil infraction, he or she should be provided with deer, elk and moose no feeding educational materials.

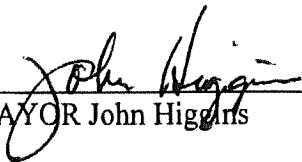
SECTION 6. There is hereby added to the Medical Lake Municipal Code Section 7.06.050 Severability which shall read as follows: Section 7.06.050 Severability. The sections of this Chapter shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by any Court of competent jurisdiction to be unconstitutional or invalid, such holding shall not affect the validity of the remainder of this Chapter.

SECTION 7. Effective Date. This ordinance shall be full force an effect five (5) days from and after passage, approval and publication.

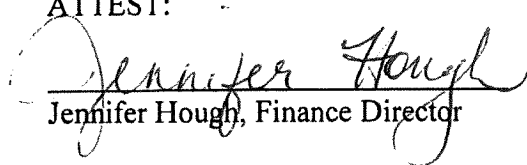
INTRODUCED this 8<sup>th</sup> day of February, 2014.

REINTRODUCED this 16th day of December, 2014.

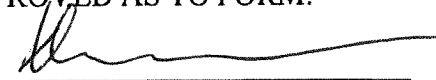
PASSED this 6th day of January, 2015.

  
MAYOR John Higgins

ATTEST:

  
Jennifer Hough, Finance Director

APPROVED AS TO FORM:

  
Cynthia E. McMullen, City Attorney  
Dennis D. Assistant