



Staff Report

For City Council Meeting - 08/01/2018

Subject - Old Business - Feeding of wildlife - 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

Draft
Gearhart Ordinance

Prohibiting the attracting or feeding of wildlife

Definitions of terms

As used in this ordinance:

“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 Gearhart

“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 know 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, foxes, groundhogs, opossums, raccoons, seagulls, skunks, turkey and wild geese or other migrating bird species.

Attracting or feeding of wildlife prohibited.

The attracting or feeding of wildlife within the City limits is declared to be a public nuisance and safety issue 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).

Abatement.

Should the City Administrator 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 48 hours from notification shall constitute a separate violation.

Should the City Administrator determine that a person is feeding other wildlife, with or without a container, they will be given notice to discontinue the behavior of feeding the wildlife. If there are separate violations observed, a separate violation with penalty will occur.

Penalties.

A warning notification may be given by an officer to remove any feeders or feeding devices within 2 days, with notice that if not removed, a violation will occur. Any person violating any provision of this chapter shall be liable to a fine not less than \$50.00 or more than \$250.00 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.