



Staff Report

For City Council Meeting 03/06/2019

Subject - - Ordinances and Resolutions - Feeding of Wildlife - Ordinance # 917

Synopsis: The Gearhart City Council met October 30th, 2018 to discuss an ordinance prohibiting the feeding of wildlife. The ordinance based on the work session is attached. The council read the ordinance once by title during the January council meeting. This will be the second reading. The ordinance will take effect 30 days after March 6, 2019.

Recommended Motion: Move to approve ordinance 917 by reading once by title only.

Legal Analysis: Per Gearhart Charter, ordinances may be read once by title in two separate meetings. February was the first, the second reading may be in March.

Financial Analysis: Minimal at this time.

Options:

- Read once by the title only.
- Read twice by title only declaring an emergency.
- Do nothing

Respectfully submitted,



Chad

ORDINANCE NO. 917

AN ORDINANCE THAT PROHIBITS THE ATTRACTING OR FEEDING OF WILDLIFE:

The City of Gearhart ordains as follows:

Section 1. Chapter 90: Animals is updated to read as follows:

Sections:

90.01 Definitions

90.17 Attracting or Feeding of Wildlife Prohibited

90.18 Attracting or Feeding of Wildlife Abatement

90.99 Penalty

90.01 Definitions of Terms

- A. "Attractant" means any substance that draws animals to a location and includes, but is not limited to food, garbage outside of an enclosed container, or salt lick. Attractant does not include lawns, flowers, shrubs, compost piles, trees or gardens that are eaten by wild animals.
- B. "City" means the City of Gearhart.
- C. "Feeder" means any device or container used for feeding animals.
- D. "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 birdsong.
- E. "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.

90.17 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. 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).

90.18 Attracting or Feeding of Wildlife Abatement

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

90.99 Penalty

Any person violating any provision of this chapter shall be subject to 90.99 Penalty

Section 2. Effective Date

This ordinance will be read two times and will be effective 30 days after the second reading.

Passed by the City Council of the City of Gearhart this _____ day of _____ 2019

YEAS:

NAYS:

ABSENT:

ABSTAIN:

Signed and approved by the Mayor of the City of Gearhart this _____ day of _____ 2019.

Matt J. Brown, Mayor

ATTEST:

Chad Sweet, City Administrator