

ORDINANCE NO. 183-2015

TITLE: WATERFOWL NUISANCE PREVENTION

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON TO PROHIBIT THE FEEDING OF WATERFOWL ON PUBLIC PROPERTY IN THE CITY OF BARBERTON BY ESTABLISHING CHAPTER 618.24 IN THE BARBERTON CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, it has been well established that the feeding of waterfowl is detrimental to the animals; and

WHEREAS, the feeding of waterfowl causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public;

WHEREAS, the problems created by waterfowl within the city limits are increasing and negatively impacting the grassy areas and walkways in City parks and other public property; and

WHEREAS, the City Council finds it to be in in the best interests of the City of Barberton that the feeding of waterfowl be prohibited on City owned Park property within the city limits.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That Chapter 618 of the Codified Ordinances be amended to read as set forth to read as follows:

A. "Waterfowl" is any bird that frequents the water, or lives about rivers, lakes, or other bodies of water; an aquatic fowl, including but not limited to ducks, geese, swans, herons, and egrets.

618.24 Feeding of Waterfowl Prohibited

OHIO DEPARTMENT OF NATURAL RESOURCES STRONGLY RECOMMENDS AGAINST FEEDING WATERFOWL INCLUDING BUT LIMITED TO CANADIAN GEESE DUE TO THE FOLLOWING NEGATIVE EFFECTS OF FEEDING:

- Lack of balanced diet may cause wing deformity in goslings, hindering the bird's flight ability
- Feeding causes overcrowding allowing diseases such as botulism and cholera to spread easily and possibly result in massive waterfowl die-offs
- Geese lose their fear of humans and become aggressive
- Feeding reduces the need for geese to migrate so they stay in an area longer and create more problems

Based upon this recommendation the City of Barberton Parks and Recreation Commission will enact the following rules and regulations regarding feeding of waterfowl on park land:

A. No person shall purposely or knowingly, with intent to provide such food, feed, bait, or in any manner provide access to food to any waterfowl within the corporate limits of the city of Barberton, on park land. This section shall not apply to agents of the City of Barberton feeding animals kept and managed by the Barberton Parks and Recreation Commission and/or the City of Barberton.

B. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed, birdseed, fruit, or grain in a manner that would constitute an attractant to any waterfowl on City Park property.

C. Nothing in this Section shall prohibit the actions of any agent of the State of Ohio lawfully engaged in a wildlife or waterfowl management program.

D. Nothing in this Section shall prohibit the actions of an agent of the City of Barberton authorized to implement an alternative control method set forth in any approved community based goose management plan and possessing a special good management permit issued by the Ohio Department of Natural Resources.

Penalty

Any person violating any provision of this Chapter shall be liable for a find according to the following schedule:

1. Effective January 1, 2016 – December 31, 2016
An informational citation will be issued to a person violating this ordinance which will site the reason of the policy and the penalty for violating the policy beginning in 2017.
2. Effective January 2017
The penalty for violation of the City of Barberton Nuisance Ordinance Section 618.24 shall be \$75 for the first violation, \$150 for the second infraction committed within one calendar year and \$300 for the third infraction committed within one calendar year.

SECTION 6. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 7. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reason that immediate enforcement is necessary, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise it is to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2015

Clerk of Council

President of Council

Approved _____ 2015

Mayor