Chapter 5.38 Bird Feeding Nuisance

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5.38.010 Feeding or baiting certain birds prohibited.

a. No person shall intentionally feed or bait wild bald eagles, crows, ravens or gulls anywhere within the Homer City limits.

b. No owner or person in control of property shall cause or allow the intentional feeding or baiting of wild bald eagles, crows, ravens or gulls on that property or the right-of-way abutting that property.

c. Every act of violation and every day upon which such violation shall occur shall constitute a separate offense. (Ord. 06-01(A), 2006.)

5.38.020 Definitions. As used in this chapter, the following words and phrases shall be construed as defined below, unless the context clearly indicates a different meaning is intended:

1. Crow means any species of crow.

2. Feed or bait means to provide, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wild bald eagles, crows, ravens or gulls.

3. Gull means any species of gull or kittiwake.

4. Intentionally. A person acts “intentionally” with respect to a result described by a provision of law defining an offense when the person’s conscious objective is to cause that result; when intentionally causing a particular result is an element of an offense, that intent need not be the person’s only objective.

5. Person in control means a tenant or an agent, manager, superintendent, or other owner’s representative

6. Property means real property, developed or undeveloped, including without limitation any real property with a house, apartment building, mobile home, mobile home park, other multifamily development, any commercial or industrial structure or use, any public or private institution or organization, and vacant land.

7. Raven means any species of raven. (Ord. 06-01(A), 2006.)

5.38.030 Nuisance abatement. a. The conduct prohibited by section 5.38.010 is a public nuisance. When the city manager determines such a public nuisance exists, the city manager may order the abatement of the public nuisance in any lawful manner for the abatement of a public nuisance.

b. Any expenses incurred by the City in the abatement of the nuisance shall be the joint and several obligation of the person(s) causing the public nuisance and the owner(s) and person(s) in control of the property where the public nuisance exists. The City may bring an action to recover such costs. (Ord. 06-01(A), 2006.)

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5.38.040 Regulations. The city manager may adopt regulations pursuant to implement the provisions of this chapter, which shall become effective upon approval by resolution of the City Council after conducting a public hearing. (Ord. 06-01(A), 2006.)

5.38.050 Enforcement. a. Police officers and animal control officers are authorized to issue citations for violations of this chapter.

b. Any person found to be in violation of this chapter shall be ordered to cease the feeding or baiting immediately. (Ord. 06-01(A), 2006.)

5.38.060 Violations and penalties. Any person violating any provision of this chapter, upon conviction, shall pay a fine not less than $5.00 or more than $50.00 and shall pay the cost of prosecution. For each subsequent conviction, the person shall be fined not less than $25.00 or more than $200.00 and shall pay the cost of prosecution. (Ord. 06-01(A), 2006.)

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