

ORDINANCE NO. 808

AN ORDINANCE PROHIBITING THE FEEDING OF WATERFOWL AT OR WITHIN 300' OF ANY CITY-OWNED AND MAINTAINED PARK OR OTHER RECREATION AREA (INCLUDING CITY BEACH AND N. LAKEVIEW DRIVE, BETWEEN MAIN AVE AND 4TH AVE N.) WITHIN THE CITY OF CLEAR LAKE, IOWA, AND AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE, IOWA, 2003

WHEREAS it is well-established in the field of wildlife biology that the feeding of waterfowl may ultimately be 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; and

WHEREAS the problems created by waterfowl within the city limits are increasing and negatively impacting City-owned and maintained parks and other recreation areas, including City Beach, and N. Lakeview Drive, between 4th Avenue N. and Main Avenue; and

WHEREAS the City Council finds it to be in the best interests of the health, safety, and welfare of the public that the feeding of waterfowl be prohibited at or within 300' of City-owned and maintained parks and other recreation areas, including City Beach and N. Lakeview Drive, between 4th Avenue N. and Main Avenue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clear Lake, Iowa, that this Ordinance is hereby added to the Clear Lake Code of Ordinances, 2003, as amended, and shall read as follows:

XXX. Feeding of Waterfowl Prohibited.

- 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.
- B. 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 at or within 300' of any City-owned and maintained park or other recreation areas, within the corporate limits of the City of Clear Lake, including City Beach and N. Lakeview Drive, between 4th Avenue N. and Main Avenue.
- C. 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 at or within 300' of any City-owned and maintained park or recreation areas, including City Beach and N. Lakeview Drive, between 4th Avenue N. and Main Avenue.

- D. Nothing in this Section shall prohibit the actions of any agent of the State of Iowa lawfully engaged in a wildlife or waterfowl management program on any property owned by the State of Iowa or the Clear Lake Community School District.
- E. Nothing in this Section shall prohibit the actions of an agent of the City of Clear Lake authorized to implement an alternative control method set forth in any approved community based goose management plan and possessing a special goose management permit issued by the Iowa Department of Natural Resources.

XXX. Feeding of other songbirds and other backyard birds permitted

Feeding of other songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that: (1) Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property and; (2) Does not create an accumulation of droppings on the property and surrounding properties and; (3) Does not become an attractant for rodents or other wild animals and; (4) Bird feeders are placed at least five (5) feet above the ground.

XXX. Enforcement

- A. Each property owner shall have the duty to remove any above named materials or device placed on the owner's property in violation of this Ordinance.
- B. Failure to remove or remedy a violation of this Chapter within twenty-four (24) hours after notice from the City shall constitute a separate violation of this Ordinance.
- C. Health Department personnel, Animal Control Officers, and all Police Officers of the City of Clear Lake are hereby given full power and authority to enforce this ordinance

XXX. Penalties

- A. Any person violating any provision of this Chapter shall be liable for a fine according to the following schedule:
- B. The penalty for violation of this Ordinance shall be \$50 for the first violation, \$100 for the second infraction committed within one calendar year, and \$250 for third infraction committed within one calendar year.

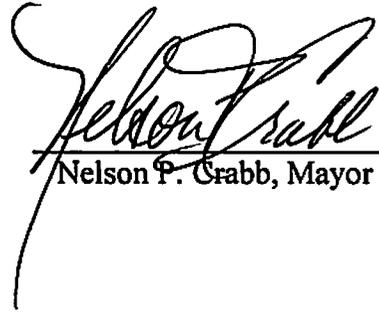
Severability

Every section of this ordinance or subdivision or separate part thereof shall be considered a separate provision to the intent that if any portion shall be declared unconstitutional it shall not affect the remaining parts of this ordinance.

When Effective

This ordinance shall take effect immediately upon final passage thereof and publication thereof as provided for by law.

PASSED AND APPROVED this 20th day of May, 2013.



Nelson P. Crabb, Mayor

ATTEST:



Jennifer Larsen, City Clerk

1st reading: May 6, 2013

2nd reading: May 20, 2013

Final reading: May 20, 2013