

**Agenda # 4160**

**Sponsors: Council Members Freel  
Cabrera**

**AN ORDINANCE TO AMEND CHAPTER 3 OF THE WILMINGTON CITY  
CODE RELATING TO THE FEEDING OF WILD ANIMALS AND  
WATERFOWL.**

**WHEREAS**, it is well established that the feeding of wild animals, waterfowl, sea gulls and pigeons is detrimental to the animals; and

**WHEREAS**, the feeding of wild animals, waterfowl, sea gulls and pigeons causes a public nuisance and safety hazard that is detrimental to the health and general welfare of the public, degrades the environment and damages property; and

**WHEREAS**, the City Council deems it necessary to prevent the public nuisance caused by the congregation of wild animals, waterfowl, sea gulls and pigeons due to individuals feeding said wildlife and to protect the species; and

**WHEREAS**, the City Council seeks to amend Chapter 3, section 3-17 of the Wilmington Code entitled “Feeding pigeons prohibited” by amending the section to prohibit the feeding of wild animals, waterfowl, sea gulls and pigeons on public property and on private property without the consent of the property owner.

**THE COUNCIL OF THE CITY OF WILMINGTON HEREBY  
ORDAINS:**

**SECTION 1.** Chapter 3 of the City Code is hereby amended by amending Section 3-17 by deleting the under-stricken language and by adding the underlined language to read as follows:

**Sec. 3-17 – Feeding pigeons, sea gulls, waterfowl and wild animals prohibited.**

~~It shall be unlawful for any person to feed or offer food to any pigeon in or on any sidewalk, street, highway or park, or upon any other public property, or upon any private property without the consent of the owner or tenant of such private property. The term "food" shall refer to grain, seed, greens, breadcrumbs or other miscellaneous food scraps.~~

(a) It is the intent of this ordinance to protect the health, safety and welfare of the community and its wildlife by prohibiting the feeding of pigeons, waterfowl, sea gulls and wild animals in order to prevent public nuisances and to protect the species. Feeding pigeons, waterfowl and sea gulls causes a congregation of said birds resulting in an accumulation of feces or droppings which in turn increases the potential for damage to public property, water quality problems and the spread of disease to residents. Studies have shown that feeding waterfowl and gulls may interrupt normal migration patterns, cause nutritional problems and/or promote the spread of bird diseases. Further, the feeding of wild animals is disruptive to the natural feeding habits of wildlife, and may result in the concentration of wild animals at artificial feeding areas, making them more susceptible to disease transmission. Wild animals can carry many diseases and parasites that readily spread to people and pets.

(b) For purposes of this section, the following terms shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Feed: To give, place, expose, deposit, scatter or distribute any edible material, including but not limited to, grain, seed, greens, bread, fruit, pet food or other miscellaneous food scraps with the intention of feeding, attracting or enticing wildlife.

Songbird or other backyard bird: Includes birds of the suborder oscines or passerine including but not limited to larks, jays, cardinals, shrikes, finches, and orioles, characterized by a vocal apparatus highly specialized for singing.

Waterfowl: Any bird that frequents the water, or lives about rivers, lakes, etc. or on or near the sea, including but not limited to ducks, geese, swans, herons, and egrets, whether migratory or not.

Wild Animal: See section 3-1, above.

(c) It shall be unlawful for any person to feed any pigeon, sea gull, waterfowl or wild animal in or on any sidewalk, street, highway or park, or upon any other public property, or upon any private property without the consent of the owner of such private property.

(d) Feeding of songbirds and other backyard birds shall be permitted outdoors on private property at such times and in such numbers that:

1. Any apparatus used to feed such birds does not become an attractant for wild animals; and
2. Bird feeders are placed where wildlife other than songbirds would have a difficult time eating from them.

(e) The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**SECTION 2.** This ordinance shall become effective upon passage by City Council and approval by the Mayor.

First Reading . . . . February 4, 2016  
Second Reading . . . February 4, 2016  
Third Reading. . . . .

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved as to form this \_\_\_\_  
day of February, 2016

\_\_\_\_\_  
First Assistant City Solicitor

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016

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**Mayor**

**SYNOPSIS:** This ordinance amends Chapter 3, section 3-17 of the Wilmington City Code by amending the section to prohibit the feeding of wild animals, waterfowl, sea gulls and pigeons on public property and on private property without the consent of the property owner.