

ORDINANCE NO. 16,066

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by adding Chapter 18, Article VII, Sections 18-215, 18-216, 18-217, and 18-218 and amending to prohibit the feeding of deer and waterfowl only, and amending for baiting exceptions.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by adding Chapter 18, Article VII, Sections 18-215, 18-216, 18-217 and amending to prohibit the feeding of deer and waterfowl only, and amending for baiting exceptions as follows:

ARTICLE VII. FEEDING OF DEER AND WATERFOWL IS PROHIBITED

18-215. Purpose.

The intent of this article is to protect the health, safety, and welfare of the community and its wildlife by prohibiting the feeding of deer and waterfowl on public and private property in the city. The feeding of deer and waterfowl increases the potential for damage to public parks and private property. It also elevates the potential for the spread of disease in people and companion animals. In addition, it is the intent of this article to protect the welfare of the deer and waterfowl themselves. Wildlife studies have shown that feeding waterfowl and other wild animals can interrupt their normal migration patterns, can make them more aggressive in demanding food, cause nutritional problems, expose them to danger by eliminating their natural fear of predators, and promote the spread of diseases and disease-carrying parasites.

18-216. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bird Feeder. A container, receptacle or apparatus designed for the feeding of songbirds or other backyard birds.

Feed. To give, place, expose, deposit, distribute or scatter any edible material which can be utilized for consumption by deer and waterfowl. Feeding does not include baiting for the legal taking of fish and/or game, or baiting by a city official, an animal control service or by a licensed wildlife rehabilitator.

Person. Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

Waterfowl. Wildfowl of the order Anseriformes, especially members of the family Anatidae which includes any bird that swims, frequents the water, or lives about rivers, lakes, or other bodies of water, including but not limited to ducks, geese, swan and gulls.

18-217. Prohibitions.

(a) No person shall purposely or knowingly, feed or in any manner provide access to food to any deer or waterfowl within the corporate limits of the city, on lands either publicly or privately owned. Feeding does not include baiting in the legal taking of fish and/or game, or baiting by a city official, an animal control service or by a licensed wildlife rehabilitator.

(b) Feeding of songbirds and other backyard birds, not including waterfowl, shall be permitted outdoors at such times and in such a manner that:

- (1) Any feed must be placed within a bird feeder with a maximum volume of not more than one cubic foot, placed at least four feet above ground.
- (2) Bird feeders are placed where deer or waterfowl are unable to eat from them and do not become an attractant for deer and waterfowl.

18-218. Penalties.

Notwithstanding any other section of this article, any property owner or occupant of a property found in violation of this article shall be guilty of a misdemeanor punishable by fine as provided by section 1-15 of this Code or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code. Each ongoing day of the violation(s) shall constitute a separate offense. In addition to the financial penalties so provided, the violator shall be subject to an injunctive order to cease the violation and conduct any required clean-up.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

Linda Westergaard, Mayor Pro Tem

Attest: I, P. Kay Cmelik, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an Ordinance (Roll Call No. 21-1672), passed by the City Council of said City at the meeting held on November 1, 2021 and signed by the Mayor on November 1, 2021 and published and provided by law in the Business Record on November 19, 2021. Authorized by Publication Order No. 11706.

P. Kay Cmelik, City Clerk