

ORDINANCE NO.: _____

AN ORDINANCE to create Section 6-18 of the Code of Ordinances of the City of La Crosse regarding pigeon control.

WHEREAS, the urban feral pigeon population is expanding and the droppings associated with large flocks of feral pigeons interfere with use and enjoyment of private and public outdoor facilities, create undesirable conditions and may have an economic impact on the City, and

WHEREAS, that pigeon droppings damage and depreciate property, make walkways unsafe and unsanitary, and potentially represent a public health hazard due to parasites or disease that may be associated with accumulation of pigeon droppings, and

WHEREAS, that pigeon waste contributes to the pollution of the City because the waste and its bacteria flows into and through the storm drainage system to the river after a precipitation event, and

WHEREAS, supplemental feeding of pigeons by humans, whether deliberate or through negligence, is a substantial cause of the overpopulation of pigeons in the City, and

WHEREAS, providing readily available food sources for pigeons allows their numbers to increase in a manner that negatively impacts safe and comfortable use of commercial and residential areas, and that research has demonstrated that restricting access to food is an important factor in maintaining urban feral pigeon populations at acceptable levels, and

WHEREAS, it is the intent of the Council that the City place an emphasis on disseminating information about, and assisting citizens with, effective measures for preventing and abating pigeon nuisance in a manner that promotes effective management of pigeon populations.

NOW, THEREFORE, THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Chapter 6, Article VI is hereby created to read as follows:

ARTICLE V. PIGEON CONTROL

Sec. 6-166 Definitions.

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abate: To reduce, stop or prevent a Pigeon Nuisance.

Department: The Fire Department Division of Fire Prevention and Building Safety

Feeding: Providing food to pigeons. Food may include, but is not limited to grain, seed, greens, breadcrumbs and other miscellaneous food scraps, including garbage not properly disposed of or contained.

Owner: That person holding the legal title to real property as shown by the records of the Register of Deeds for La Crosse County.

Pigeon: The common pigeon, *Columba livia*, also known as the Rock Dove or Rock Pigeon. For the purposes of this ordinance, "pigeon" refers to any wild state (feral) pigeon, and does not include domestic pigeons used for recreation or show.

Pigeon Harborage: Any condition which provides shelter or protection for pigeons; thus, favoring their multiplication and continued inhabitation in, under, outside a structure or premise at a location where there exists a Pigeon Nuisance. Housing or shelter provided for injured or ill pigeons that are being rehabilitated is not considered pigeon harborage.

Pigeon Nuisance: The excessive congregation of pigeons at a location when such congregation of pigeons results in the accumulation of pigeon droppings or other pigeon related waste. In addition, the accumulation of pigeon excrement, nesting materials, pigeon carcasses and other pigeon related detritus that may be damaging to the property, pose a threat to public health and welfare or contribute to polluted stormwater runoff to the river.

Pigeon-Proofing: Actions taken to abate a Pigeon Nuisance. The actions may include but are not limited to a) construction to prevent the ingress of pigeons into or under buildings or structures from the exterior; b) steps to prevent the congregation of pigeons in a given location including the addition of spikes or other materials to prevent roosting; c) the removal or covering of sources of food for pigeons.

Property: Real property including buildings structures and land regardless of use for residential, commercial or other purposes.

Responsible Party: That person or those persons who hold that legal or equitable interest in real property which empowers them to take appropriate actions to abate a Pigeon Nuisance found to exist on that real property. This may include, but not be limited to, a person with ownership, condominium rights, time-share rights, leasehold rights or an easement, license, contractual right, and any right or obligation to manage or act as agent or trustee for any person holding any of the foregoing. The owner of real property shall be presumed to be the responsible party.

Sec. 6-167 Feeding feral pigeons is prohibited.

(a) No person shall intentionally feed feral pigeons on any public or private property within La Crosse City limits.

(b) No person shall permit or allow the placement or discard of food, food by-products, vegetables, garbage or animal food of any kind in a manner that such person knows will reasonably result in the lingering, roosting and/or congregating of feral pigeons.

(c) This prohibition in (a) and (b) does not extend to domesticated birds used for show or for racing, or to injured pigeons that are kept at all times in cages or are prevented from creating Pigeon Nuisance conditions on nearby properties. It does not extend to bird seed set out in bird feeders or otherwise provided to birds other than pigeons, provided that the seed does not attract significant numbers of pigeons or create conditions that constitute a Pigeon Nuisance.

Sec. 6-168 Other Acts Prohibited.

(a) No person shall create or foster any condition or allow any condition to exist or continue which in any way harbors a number of feral pigeons or results in an infestation of feral pigeons that would constitute a Pigeon Nuisance, as defined herein.

(b) No person shall allow the accumulation of pigeon excrement, nesting materials, pigeon carcasses and other pigeon related detritus that would constitute a Pigeon Nuisance, as defined herein, on property where the person is the owner or occupant.

Sec. 6-169 Procedure for the abatement of a pigeon nuisance.

(a) There shall be an investigation of any complaint made to the Department to determine if there is a Pigeon Nuisance. In addition the Department may initiate an investigation to determine if a Pigeon Nuisance exists when there has been no complaint.

(b) The Department shall determine if a Pigeon Nuisance exists.

(c) The Department shall attempt to meet with the property owner and any person on the property who appears to be a responsible party to notify them that a Pigeon Nuisance has been determined to exist. The goal of the meeting shall be to enter into a written Abatement Agreement with the City wherein the responsible party agrees to take specific steps to pigeon-proof the property.

(d) An Abatement Agreement may provide for the use of any pigeon-proofing method agreed upon by the Department and the responsible party. If pigeon-proofing involves the removal of accumulations of pigeon excrement, nesting materials, pigeon carcasses or other pigeon related detritus, the method selected for such removal shall protect human health and ensure that ground water, surface water and real property are not contaminated by the waste.

(e) If the Department determines that the responsible party is in violation herein and is unwilling to comply with this Ordinance, or if the responsible party fails to act on or complete the terms and conditions agreed to in an Abatement Agreement by the time set forth in the Agreement, the Department may proceed to seek the penalties provided in this ordinance.

Sec. 6-170 Inspection of buildings, premises and vacant lots.

The Department is authorized, by obtaining consent of the owner or occupant, and at reasonable times, to make such inspections of real property as is necessary to investigate and abate a Pigeon Nuisance. For the purpose of making such inspections, the Department is authorized to enter onto premises to examine or survey property only after reasonable notice to the owner and any person occupying the property and with consent. Such entry shall be made

in a manner as to cause the least possible inconvenience to the person in control. In the event that entry is denied the Department may obtain a special inspection permit for this purpose.

Sec. 61-70 – Additional Remedies

Nothing in this Ordinance shall be construed to preclude the City from seeking any other remedy available in law or equity.

SECTION II: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the article shall not be affected.

SECTION III: This ordinance shall take effect and be in force from and after its passage and publication.

Timothy Kabat, Mayor

Teri Lehrke, City Clerk

Passed:

Approved:

Published:

NOT ADOPTED