

ORDINANCE NO. 5501

**AN ORDINANCE TO PROHIBIT THE FEEDING OF WILDLIFE AND WATERFOWL
IN THE CITY OF RAPID CITY BY ESTABLISHING CHAPTER 6.16 OF THE
RAPID CITY MUNICIPAL CODE**

WHEREAS it has been well established that the feeding of wild animals and waterfowl is detrimental to the animals; and

WHEREAS the feeding of wildlife and 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 the grassy areas and walkways in the park system; and

WHEREAS the increasing amount of nutrients in Canyon Lake generated by waterfowl have a significant negative impact on the City's drinking water sources; and

WHEREAS the Common Council finds it to be in the best interests of the City of Rapid City that the feeding of wildlife and waterfowl be prohibited within the city limits.

NOW, THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 6.16 be and hereby is added to the Rapid City Municipal Code to read as follows:

6.16.010. *Definitions.* For purposes of this Chapter, the following terms shall have the meanings indicated:

- A. "Farm animal" means domestic animals, such as cattle, horses, or chickens, raised for home use or for profit
- B. "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.
- C. "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.
- D. "Wild animal" shall include any animal, which is not normally domesticated in this state, including but not limited to coyotes, deer, turkeys, feral cats, foxes, raccoons, skunks, and waterfowl.

6.16.020. *Feeding of Wild Animals and Waterfowl Prohibited.*

A. No person shall purposely or knowingly, with intent to provide such food, feed, bait, or in any manner provide access to food to any wild animal or waterfowl within the corporate limits of the City of Rapid City, on lands either publicly or privately owned. This section shall not apply to the feeding of farm animals lawfully kept within the city limits.

B. 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 wild animal or waterfowl.

C. Nothing in this Section shall prohibit the actions of any agent of the State of South Dakota lawfully engaged in a wildlife or waterfowl management program.

D. Nothing in this Section shall prohibit the actions of an agent of the City of Rapid City authorized to implement an alternative control method set forth in any approved community based deer management plan and possessing a special deer management permit issued by the South Dakota Game Fish and Parks.

6.16.030. *Feeding of songbirds and other backyard birds permitted.* Feeding of 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 with wildlife; (2) any apparatus used to feed such birds does not become an attractant for wild animals and; (3) bird feeders are placed where wildlife other than songbirds would have a difficult time eating from them.

6.16.040. *Continuing Violation*

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.

6.16.050. *Penalty*

Any person violating any provision of this Chapter shall be liable for a fine not more than Five Hundred Dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

Dated this _____ day of _____, 2009.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

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(SEAL)

First Reading:

Second Reading:

Published:

Effective: