

## ORDINANCE NO. 7,356–N.S.

## PROHIBITING THE FEEDING OF WILD ANIMALS IN CITY PARKS OR ON PUBLIC PROPERTY; ADDING BERKELEY MUNICIPAL CODE CHAPTER 6.50

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That a new Section 6.50 is added to the Berkeley Municipal Code to read as follows:

**Chapter 6.50**

**Prohibition on Feeding Wild Animals on Public Property**

**Sections:**

- |                 |  |
|-----------------|--|
| <b>6.50.010</b> | <b>Purpose.</b>  |
| <b>6.50.020</b> | <b>Definitions.</b>  |
| <b>6.50.030</b> | <b>Feeding of Wild Animals In City Parks Or On Public Property Prohibited.</b> |
| <b>6.50.040</b> | <b>Severability.</b>   |
| <b>6.50.050</b> | <b>Violation -- Penalty.</b>   |

**Section 6.50.010 Purpose.**

The purpose of this chapter is to prohibit the feeding of wild animals on public property, including City parks, facilities, streets, sidewalks, median strips, parking strips, and rights-of-way in order to (1) reduce risks of disease, (2) reduce overpopulation of wild animals, and (3) lessen the damage to public property caused by wild animals.

**Section 6.50.020 Definitions.**

Whenever any of the words hereinafter defined are used in this chapter, they shall be construed to mean the following:

- A. "City Manager" means the City Manager, or anyone designated by the City Manager.
- B. "City Parks" means all parks owned or maintained by the City, including areas designated by the City Manager as "community gardens."
- C. "Feed" means to distribute, place, deposit, or dump any type of food in any manner, whether or not an animal is in the vicinity at the time the food is distributed, placed, deposited, or dumped.
- D. "Wild" animal means any non-domesticated species of animal, including but not limited to gophers and squirrels.
- E. "Public Property" means all City parks, buildings, facilities, streets, sidewalks, median strips, parking strips (as defined in Chapter 12.44.040), and rights-of-way (including landscaping on such property).

**Section 6.50.030 Feeding of Wild Animals In City Parks Or On Public Property Prohibited.**

No person shall feed wild animals at any time in City Parks or on Public Property, without specific written authorization from the City Manager.

**Section 6.50.040 Severability.**

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason declared unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have adopted this chapter notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its sections, subsections, sentences, clauses, or phrases.

**Section 6.50.050 Violation -- Penalty.**

Any person violating any provision or failing to comply with any of the requirements of this chapter shall be deemed guilty of an infraction as set forth in Chapter 1.20 of this code.

Section 2. This Ordinance shall take effect and be in full force from and after its final passage.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 24, 2014 this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.

## Phone

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## Office Hours

Monday – Friday

8:00 a.m. to 5:00 p.m.

## Problems with Feeding Wildlife

Intentional or unintentional feeding wildlife may not seem like a big deal, but it is the primary cause for conflict between humans and wildlife. Feeding wildlife will alter their normal behavioral patterns, may make them sick, and potentially worst of all, can make them less fearful of humans, which is dangerous for all of us. Here are some important things to keep in mind:

- **"People" food isn't good for animals.** Human foods aren't always nutritious for animals. Animals have not evolved to eat bread, popcorn, French fries, etc. They need their natural diet in order to remain healthy. Eating human food may cause serious health problems.
- **Feeding wild animals makes them lose their natural fear of people.** Feeding can make wild animals become too comfortable around humans. While they may look cute and cuddly, they are still wild animals, and will engage in unpredictable and often dangerous behavior. Unintended consequences of wild animals feeling comfortable can include animals approaching people, attempting to come into physical contact with people, or entering your yard or home. These actions can contribute to intentional or unintentional harm coming the animal or people.
- **The animals you feed today will likely become "pests" tomorrow** when they lose their natural fear of humans and approach other people boldly to look for food. While having more wildlife around your home might sound like a good thing, it often leads to human vs. wildlife conflict and the need for corrective management (for the safety of animals and humans). Once animals learn that humans are a source of food, they can become a nuisance, or even worse, a safety risk. Predatory wildlife who feel comfortable in suburban or urban settings may also prey on small pets.
- **Wild animals who depend on people for food can cause injuries or spread disease.** When wild animals gather for food handouts, it can cause crowding, territorial fighting, attacks by predators, and injuries or death caused by human interactions. It can also increase the spread of diseases, some of which may be transmitted to pets and humans. If you must use a backyard bird feeder, make sure to clean it periodically to reduce the transmission of disease between birds. See more tips below for the responsible use of a bird feeder.
- **Feeding wild animals causes an unnaturally vigorous population growth.** Many wild animals that are found in urban areas tend to have a population growth that is largely tied to their access to food, water and shelter. When they have an abundance of these elements, their population can expand rapidly. Unfortunately, the reverse is true as well. If the food is removed (when people stop feeding the animals, move away, or when



feeder runs out) the animals will begin to starve and the population crashes. This cycle can be avoided if we allow these wild animals to rely solely on what nature provides.

**It can be hard to resist feeding wildlife, but please don't do it, first and foremost for the *animal's* health and safety.**

In addition to intentionally feeding wildlife, there are ways to unintentionally feed wildlife, which can cause the same issues as intentional feeding.

**Here are some things you can do to reduce unintentional feeding of wildlife:**

- If you maintain a bird feeder, keep the area below the feeder free of fallen seed.
- If squirrels, rats or turkeys begin feeding at or below a bird feeder, temporarily remove the feeder until they stop visiting. Repeat if they return.
- Ensure that trash, recycling and compost containers are closed and secured.
- Feed pets indoors. If you must feed them outside, immediately remove any uneaten portions.
- Keep small pets indoors at night to protect them from night-time predators.



- Clean up fallen fruit and nuts. If they are not usable, place them in your [brown-lidded organics cart](#) for



composting.

- Consider planting native plants to provide a natural food source for local wild animals while [conserving water in your landscape](#).

## Helpful Links

More information on feeding wildlife can be found on these webpages.

- [California Department of Fish and Wildlife](#)
- [University of California Agriculture and Natural Resources](#)
- [US Department of Agriculture Animal and Plant Health Inspection Service](#)