

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussing Ordinance No. 910 - Amending Shoreline Municipal Code Chapter 8.12 to Expressly Prohibit Waterfowl Feeding in City Park Facilities
<b>DEPARTMENT:</b>	Public Works
<b>PRESENTED BY:</b>	John Featherstone, Surface Water Utility Manager
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Human feeding of waterfowl in parks can lead to larger waterfowl populations, an increased volume of waterfowl feces, and an increased concentration of waterfowl feces within waterfront areas where human recreational activities occur (e.g., wading, swimming, fishing). In addition to the impact on recreation uses, the increased feces can increase pathogenic fecal bacteria and algae blooms in waterways which can then increase closures of Shoreline swimming beaches. Eliminating park user feeding of waterfowl is an important step to reducing the volume of waterfowl feces in Shoreline lakes and ponds to improve water quality and help ensure healthy, safe beaches for recreation.

The current Shoreline Municipal Code (SMC) prohibits leaving food in a park (SMC 8.12.340); however, there is no code that expressly prohibits feeding wildlife or waterfowl. This proposed Ordinance 910 - Amending Chapter 8.12 would prohibit the feeding of waterfowl and be used primarily to support educational signage while also offering a pathway of enforcement to address repeat offenders, if deemed necessary. This proposed code amendment was presented to the PRCS/Tree Board and received unanimous support.

Tonight, Council is scheduled to discuss proposed Ordinance No. 910. This Ordinance is scheduled to be brought back to Council on January 25, 2021 for adoption.

**RESOURCE/FINANCIAL IMPACT:**

One-time startup costs for implementing this new ordinance are expected to be approximately \$2,300 for creating and installing new educational signage and approximately \$825 in staff time. These costs will be covered by existing program budget allocations under the 2021 Surface Water Utility budget. Annual costs are expected to be minimal and would be covered under the regular duties of the Surface Water Program Specialist position within the Surface Water Utility. Enforcement activities are expected to be minimal and no significant revenue is expected from enforcement.

## **RECOMMENDATION**

No action is required by the City Council regarding proposed Ordinance No. 910 tonight. This meeting will provide an opportunity for the City Council to ask specific questions and provide staff direction. Proposed Ordinance 910 amending the Shoreline Municipal Code chapter 8.12 is scheduled to be brought back to Council on January 25, 2021 for potential action.

Approved By:           City Manager ***DT***   City Attorney ***MK***

## **INTRODUCTION**

Hidden Lake and Echo Lake have been closed historically for extended periods, including in recent years and months due to high fecal bacteria levels. Feeding of waterfowl in City Parks can cause an increase in the volume of feces defecated at those parks and is likely a contributing factor to the observed high levels of fecal bacteria leading to recent closures. The feeding of waterfowl poses additional problems for park recreators, including nuisance from birds soliciting or attempting to take food, and increased feces in other areas of the park. When park goers feed waterfowl inappropriate food (e.g., bread, popcorn) it also poses potential health risks to the waterfowl.

## **DISCUSSION**

The Surface Water Utility is particularly concerned about the impact of waterfowl feces on water quality as it has been demonstratively related to the following impacts:

1. Fecal droppings can contain pathogenic bacteria that are harmful to human and animal health, including *E. coli*. An increase in waterfowl droppings increases the amount of fecal bacteria in ponds and lakes which can contribute to swimming beach closures and unsanitary beaches.
2. Nutrients from droppings can cause summer algae blooms, including toxic algae blooms. Toxic algae blooms can harm human health. Effects of toxic algae blooms include rashes, stomach or liver illness, respiratory problems, and neurological effects.

As a part of King County water quality monitoring programs, the City of Shoreline routinely monitors fecal bacteria levels and looks for the presence of toxic algae blooms in Hidden Lake and Echo Lake to ensure swimming beaches are safe for public access. This summer, the King County Department of Health closed Hidden Lake due to high fecal bacteria levels. That closure lasted for eight weeks (June 4 – July 30, 2020) due to persistently high bacteria levels recorded during weekly water quality sampling. This past fall, Echo Lake was closed for two weeks due to high fecal bacteria levels (September 17 - October 2, 2020). During the closure, goose feces was notably present at the beach and in the surrounding park. Fecal contamination from waterfowl feeding may also be an issue in water bodies in other City parks such as Twin Ponds Park and Ronald Bog Park.

In a follow-up investigation, King County Environmental Labs conducted a source tracing DNA test to identify likely sources of contamination in Hidden Lake. The DNA source tracing test can detect the presence of human and dog feces. At Hidden Lake, results indicated no presence of human markers and a very low presence of dog markers. For beaches with a known and frequent waterfowl presence, a lack of human or dog genetic markers circumstantially suggests that waterfowl are the likely source of observed fecal bacteria. Research demonstrates a clear connection between waterfowl and high fecal bacteria in the ponds and lakes they occupy. An important strategy to managing waterfowl's impact on water quality is to discourage feeding waterfowl near beaches, lakes, and ponds, as waterfowl tend to defecate where they eat. See Attachment B for more information on managing undesirable waterfowl impacts.

The Surface Water Utility proposes amending SMC 8.12 to expressly prohibit waterfowl feeding. Ordinance 910 - Amending Chapter 8.12 to expressly prohibit waterfowl feeding in City park facilities (Attachment A) would primarily support educational signage and conversations, providing a clear message that the City's supports reducing this source of fecal pollution. If deemed necessary, the ordinance would offer a pathway to enforcement for repeat offenders. The proposed amendment would be included in Article III of SMC 8.12, making a violation a civil infraction.

On August 27, 2020, Surface Water Utility staff presented this recommended code amendment to the PRCS/Tree Board and received unanimous support.

### **COUNCIL GOAL ADDRESSED**

This proposed new ordinance supports City Council's commitment to "stewardship of the natural environment" as stated in Council Goal 2 from the 2020-2022 work plan.

### **RESOURCE/FINANCIAL IMPACT**

One-time startup costs for implementing this new ordinance are expected to be approximately \$2,300 for creating and installing new educational signage and approximately \$825 in staff time. These costs will be covered by existing program budget allocations under the 2021 Surface Water Utility budget. Annual costs are expected to be minimal and would be covered under the regular duties of the Surface Water Program Specialist position within the Surface Water Utility. Enforcement activities are expected to be minimal and no significant revenue is expected from enforcement.

### **RECOMMENDATION**

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### **ATTACHMENTS**

Attachment A – Proposed Ordinance No. 910  
Attachment B – USDA Wildlife Services: Waterfowl Management

**ORDINANCE NO. 910**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CHAPTER 8.12 RULES FOR USE OF CITY OF SHORELINE PARK FACILITIES OF THE SHORELINE MUNICIPAL CODE TO ADD A NEW SECTION PROHIBITING THE FEEDING OF WATERFOWL.**

WHEREAS, many of the City of Shoreline parks have natural waterbodies that provide both temporary and permanent habitat for a variety of waterfowl species; and

WHEREAS, while chapter 8.12 Rules of Use of City of Shoreline Park Facilities of the Shoreline Municipal Code (SMC), at Section 8.12.340, prohibits littering, including food, there are no regulations related to the feeding of waterfowl; and

WHEREAS, the feeding of waterfowl by park visitors, however innocent, increases the volume of fecal bacteria on land and in waterbodies, resulting in the spread of pathogens and toxic algal blooms, that can have adverse effects on humans, domestic pets, and wildlife; and

WHEREAS, discouraging the feeding of waterfowl near waterbodies is an important strategy in managing waterfowl's impact on the quality of water; and

WHEREAS, as set forth in SMC 2.55.060, the PRCS/Tree Board may make recommendations to the City Council concerning the operation of parks and the development of rules and regulations concerning the use of parks, and support; and

WHEREAS, on August 27, 2020, the City's Surface Water Utility Staff presented the Shoreline PRCS/Tree Board with the proposed amendments to the SMC; the PRCS/Tree Board supported such an amendment; and

WHEREAS, the amendments to chapter 8.12 SMC authorized by this Ordinance are exempt from SEPA pursuant to WAC 197-11-800(19); and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the PRCS/Tree Board's recommendation; and

WHEREAS, the City Council has determined that the amendments to chapter 8.12 SMC are in the best interests of the City of Shoreline residents;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment – Chapter 8.12 Rules for Use of City of Shoreline Park Facilities.** A new section is added to Chapter 8.12 Rules for Use of City of Shoreline Park Facilities as follows:

**SMC 8.12.255 Feeding of Waterfowl.** Feeding waterfowl prohibited. No person shall place, deposit, scatter, or distribute food of any kind or nature in any park with an intent

to feed waterfowl.

**Section 2. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 3. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

**Section 4. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five (5) days after publication.

**PASSED BY THE CITY COUNCIL ON JANUARY 25, 2021**

\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Julie K Ainsworth-Taylor  
Assistant City Attorney  
on behalf of Margaret King, City Attorney

Date of Publication: \_\_\_\_\_, 2021  
Effective Date: \_\_\_\_\_, 2021

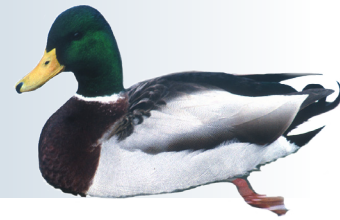
**Animal and Plant Health  
Inspection Service**

**Wildlife Services**

**Factsheet**

August 2016

**Preventing and Managing  
Waterfowl Damage**



Wildlife Services, a program within the U.S. Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS), provides Federal leadership and expertise in managing conflicts between people and wildlife to help protect the Nation’s agricultural and natural resources, property and infrastructure, and public health and safety.

Wildlife Services biologists help individuals, local governments, businesses, and others manage waterfowl to achieve a balance between the positive values and the conflicts the birds may present.

Birdwatchers and the general public enjoy watching Canada geese, ducks, and other waterfowl. In many areas of the country, however, nonmigrating, or resident, populations of ducks and Canada geese are increasing dramatically, leading to overpopulation of these birds in some cities.

Waterfowl need fresh water for resting and nesting, and tender young grass and other succulent vegetation for food. The plentiful, well-manicured lawns of residential neighborhoods, corporate business areas, parks, airports, and golf courses offer excellent habitat. Geese, especially, can easily become accustomed to people and residential areas.

Although most people find a few birds acceptable, problems quickly develop as bird numbers increase. These problems include overgrazing of grass and ornamental plants; accumulation of droppings and feathers; attacks on people by aggressive birds; and the fouling of reservoirs, swimming areas, docks, lawns, and recreational areas. Because fouling contaminates water used for drinking, bathing, and cleaning, it can pose a disease threat to humans. Flocks of geese and other waterfowl also feed on a variety of crops, including corn, soybeans, rice, lettuce, winter wheat, barley, and rye. Birds can even endanger aircraft on or near airports. In fact, one goose or duck can seriously damage an aircraft.

**Know Before You Act**

You can undertake some techniques on your own to manage waterfowl populations, but in most cases, wildlife management professionals should carry out this work.

The Migratory Bird Treaty Act of 1918 and State laws protect all native waterfowl in the United States, including migratory and resident Canada geese. Under these laws, it is illegal to hunt, kill, sell, purchase, or possess migratory birds except in certain cases. For example, you can obtain a permit from the U.S. Department of the Interior’s Fish and Wildlife Service (FWS) to remove otherwise protected birds if they are damaging agriculture, property, or natural resources or threatening human health and safety. These “depredation” permits allow the permit holder to remove a limited number of birds from a specific area. However, FWS tightly controls how many permits it issues and in what situations they’re used.





Before taking any action to manage waterfowl populations, consult with Wildlife Services or a State wildlife agency. You can reach your State's Wildlife Services office by calling 1-866-4USDA-WS (1-866-487-3297).

### Managing Waterfowl: An Integrated Approach

In general, Wildlife Services professionals recommend an integrated approach to discourage waterfowl from residing in areas where overabundant flocks cause problems. Using a combination of techniques is the most effective way to prevent and manage waterfowl damage. These birds quickly become accustomed to any single approach, so using only one tool will not have a long-term impact.

Below are some of the management techniques we may use or recommend:

- **Discontinue feeding.** Wild birds can find their own food and will survive without handouts. Once people stop feeding them, waterfowl will revert to better-quality natural foods. In many cases, the birds will leave.
- **Modify landscaping.** Geese and ducks, in particular, are grazers and need short, green grass for food. Allow grass to grow longer so it is unattractive to the birds. Along water edges, plant less-attractive vegetation, such as pachysandra, periwinkle, and euonymus. Waterfowl prefer nesting on islands, peninsulas, and undisturbed grounds. When landscaping, do not create small islands or peninsulas; where these features already exist, consider changes to make them unavailable to waterfowl.
- **Install barriers.** Waterfowl prefer to land on water and walk onto adjacent grassy areas to feed and rest. The most effective tools for controlling waterfowl movement are fences, hedgerows, and other physical barriers.
- **Use scaring devices.** Large helium-filled balloons, strobe lights, scarecrows with movable parts, bird-scaring reflecting tape, Mylar flags, screamer sirens, whistle bombs, shell crackers, and automatic



*A Wildlife Services biologist applies corn oil to a goose egg. This treatment prevents eggs from developing and reduces the potential for re-nesting.*

exploders will help keep geese and other waterfowl from feeding and resting on property. Move these items periodically. Before using noisemakers or pyrotechnics, check local and State regulations for permit requirements and any other limits on using firearms and pyrotechnics.

- **Use dogs to keep geese out of hay, grain crops, and parks.** Most effective are free-ranging dogs trained to chase birds as soon as they land. However, be aware of local leash laws, which may prevent such use of dogs. Some communities have enlisted volunteer human/canine teams of trained and reliable pets for harassing waterfowl in parks.
- **Remove domestic ducks and geese.** Domestic ducks and geese serve as decoys to wild waterfowl, since birds may learn to locate food sources by watching other birds. Removing domestic waterfowl may make the area less attractive. While you don't need a Federal permit, you do need to check with local law enforcement about State, county, and municipal laws and regulations before removing domestic waterfowl. Removal techniques must comply with all applicable laws, regulations, and policies.



- **Prevent nesting.** It can help control local populations of waterfowl if property owners keep them from nesting. Nest treatment usually involves manipulating eggs so they do not develop. Methods include adding (shaking), oiling with corn oil, puncturing, chilling, or replacing eggs. Returning treated eggs to the nest encourages adult birds to remain on the nest beyond the expected hatching date, which reduces or prevents the potential for re-nesting. Waterfowl are protected by State and Federal laws, so property owners must register with FWS before carrying out nest treatment work. To register, go to <https://epermits.fws.gov/eRCGR/geSI.aspx>.
- **Hunting.** Where it is safe and legal, hunting can help control some species of residential waterfowl. Your State wildlife management agency can advise you on local laws and regulations.

### Other Options

#### Depredation Permits

After using some of these management techniques over an extended period with little to no success, a depredation permit can be requested. Shooting a few birds each day may improve the effectiveness of harassment. However, shooting may be impractical and/or prohibited in urban damage situations, due to safety concerns, local noise and discharge ordinances, and adjacent land uses. Federal and/or State permits are always required.

#### Capture and Relocation or Removal

Under certain circumstances, Wildlife Services may capture urban waterfowl using live traps or tranquilizers and relocate them. Many State wildlife agencies

discourage the relocation of waterfowl within their borders because of the potential to create problems elsewhere in the State. Since Canada geese instinctively try returning to areas where they were born and raised, they should be moved at least 200 miles away from their nesting site.

Capturing and removing birds by humane euthanasia can enhance the effectiveness of other management methods. It can successfully reduce the local waterfowl population, particularly resident Canada geese. Federal and some State regulations may allow the capture and removal of resident Canada geese between April 1 and August 31. Geese are most easily corralled during the molting period when they lose their primary flight feathers, leaving them flightless. From mid-June through early July, the waterfowl can be captured with netted panel traps. Where allowed, euthanized geese may be donated as a food source to charitable organizations.

Only trained professionals, including Wildlife Services biologists, with the required permits should carry out capture and removal work. Community input is also important in any decision to use this approach, as it can be a sensitive issue.

#### Learn More

For more information about managing waterfowl damage, obtaining a depredation permit, or Wildlife Services' work, call us at 1-866-4USDA-WS (1-866-487-3297) or go to [www.aphis.usda.gov/wildlife-damage](http://www.aphis.usda.gov/wildlife-damage).



Protecting People | Protecting Agriculture | Protecting Wildlife

Wildlife Services is not the only source of wildlife damage management services available to the public. Private-sector wildlife damage management providers may also be available. Wildlife Services does not endorse or recommend any specific private-sector provider or the use of any specific product over another.

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