

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 910 - Amending Shoreline Municipal Code Chapter 8.12 to Expressly Prohibit Waterfowl Feeding in City Park Facilities
DEPARTMENT:	Public Works
PRESENTED BY:	John Featherstone, Surface Water Utility Manager
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input 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 lakes and ponds to improve water quality and help ensure healthy, safe beaches for recreation.

While the Shoreline Municipal Code (SMC) prohibits leaving food in a park (SMC 8.12.340), there is no regulation in the Code that expressly prohibits feeding wildlife or waterfowl. Proposed Ordinance No. 910 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. On January 11, 2021, the City Council discussed proposed Ordinance No. 910 and requested that staff bring back the proposed Ordinance for potential action tonight.

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

Staff recommends that the City Council adopt proposed Ordinance No. 910.

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

BACKGROUND

Hidden Lake and Echo Lake have been closed historically for extended periods of time, 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.

The Surface Water Utility is particularly concerned about the impact of waterfowl feces on water quality. 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 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. 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.

While the Shoreline Municipal Code (SMC) prohibits leaving food in a park (SMC 8.12.340), there is no regulation in the Code that expressly prohibits feeding wildlife or waterfowl. Proposed Ordinance No. 910 (Attachment A) 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.

On January 11, 2021, the City Council discussed proposed Ordinance No. 910. The staff report for this discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport011121-8a.pdf>. This proposed code amendment was also presented to the Parks, Recreation and Cultural Services (PRCS)/Tree Board prior to being discussed by the City Council and received unanimous support from the Board.

DISCUSSION

At that the January 11th Council meeting, the Council acknowledged that water pollution from waterfowl waste was an issue in Shoreline's ponds and lakes that needed to be addressed. However, several comments indicated Council's concern of relying on enforcement to change waterfowl feeding behavior.

The Surface Water Utility is committed to using signage with education and outreach to encourage residents to adopt behaviors that protect water quality. Established rules can help create norms for expected behaviors, and an ordinance has historically been used to help guide park user behavior to ensure cleaner, safer, and healthier parks. Instances of this include regulations in Code on littering, pet waste pickup, leashing dogs, and

smoke-free parks. Established rules also support staff as they address problematic behaviors in parks, enabling them to remind park-goers of park rules and provide education as to why the behavior is prohibited.

Following the Council discussion on January 11th, the Council requested that staff bring back proposed Ordinance No. 910 for potential action tonight. If proposed Ordinance No. 910 is adopted, park signage and in-person outreach by City staff would be the primary tool for discouraging waterfowl feeding. Staff would consider requesting a citation for violating this regulation as a last resort in the case of multiple repeat offenses.

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

Staff recommends that the City Council adopt proposed Ordinance No. 910.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 910

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 algae 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 of the quality of water; and

WHEREAS, as set forth in SMC 2.55.060, the Parks, Recreation and Cultural Services (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 and 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