

CHAPTER 703

PROHIBITING THE FEEDING OF WILD ANIMALS

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Section 703.01 PURPOSE

The Niagara Falls City Council finds that the feeding of unconfined wild animals is detrimental to the animals, causes a public health nuisance, and a safety hazard that is detrimental to the general health, safety, and general welfare of the public.

Section 703.02 DEFINITIONS

- a) “Feed” or “Feeding” means the act of furnishing, exposing, placing, depositing, distributing or scattering, whether intentionally or negligently, any food or substance of any kind which is likely to attract, lure, or entice wild animals.
- b) “Person” shall mean any individual, owner, occupier, corporation, company, partnership, firm, association, club, society, or any other form of association or organization subject to the jurisdiction of the City of Niagara Falls.
- c) “Wild animal” shall mean any species of animal wild by nature, as distinguished from the common domesticated animals. A wild animal is one that can survive in its natural environment without the help or assistance of humans, including but not limited to, raccoons, rodents, deer, foxes, groundhogs, opossums, skunks, and waterfowl.

Section 703.03 PROHIBITED CONDUCT

It shall be unlawful for any person, or any agent thereof to feed wild animals upon public property or private property within the City of Niagara Falls. It shall further be unlawful to authorize or aid or abet any other person to feed wild animals upon public or private property within the City.

Section 703.04 EXCLUSION

- a) The feeding of small songbirds or other backyard birds shall be permitted outdoors at such times and in such numbers that:

1. Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and/or creates a nuisance;
2. Does not create an accumulation of droppings on the property or surrounding properties in violation of health and safety ordinances.
3. Does not become an attractant for rodents or other wild animals.
4. Bird feeders or other mechanical devices for feeding small birds shall be placed at least five (5) feet above the ground and utilized so as to not be an attractant to wild animals.

b) The feeding of un-owned domestic cats shall be permitted outdoors between the hours of 7 am to 7 pm, provided that:

1. Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and/or creates a nuisance;
2. Does not create an accumulation of droppings on the property or surrounding properties in violation of health and safety ordinances.
3. Food or any other substance used for the purpose of feeding cats as described in this Chapter is stored and safely secured during the hours not permitted for feeding so as not to become an attractant for rodents and/or wild animals.

Section 703.05 ENFORCEMENT

- a) Health Department personnel, animal control officers, all Police Officers or any other designated and authorized personnel of the City of Niagara Falls are hereby given full power and authority to enforce this ordinance.
- b) Any person found to be in violation of this ordinance shall be ordered to immediately cease the feeding of wild animals, removing all food, substances or devices placed on the property in violation of this Ordinance

Section 703.06 PENALTIES

Any person, firm or corporation that is adjudged to be in violation of this ordinance shall be guilty of a violation and shall be subject to a fine of up to Two Hundred Fifty Dollars (\$250.00) or by imprisonment not to exceed fifteen (15) days, or both such fine and imprisonment. A separate offense shall arise for each day or portion thereof in which a violation of this Ordinance is found to exist, or for each section of this Ordinance found to have been violated.

Section 703.07 SEVERABILITY

If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, such holding shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared severable.

Section 703.08 REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 703.09 EFFECTIVE DATE

This Ordinance shall become immediately effective upon the date of execution.

Bold and Underscore Indicate Additions

[Bold and Brackets Indicate Deletions]