



# City of Bandon

555 Hwy 101, PO Box 67  
Bandon, OR 97411  
(541) 347-2437

*Bandon by the Sea*

<b>CITY COUNCIL PUBLIC COMMENTS</b>	<b>DATE: 6-3-2024</b>
<b>SUBJECT: ORDINANCE 1653</b>	<b>ITEM NO: 6.1</b>

## **BACKGROUND:**

The City of Bandon offers citizens the ability to comment on municipal issues not already on the agenda. The following is a letter written regarding Ordinance 1653.

## **FISCAL IMPACT:**

None

## **RECOMMENDATION:**

Informational

## **SUBMITTED BY:**

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**June Hinojosa, City Recorder**

To - The City of Bandon  
Re - Bandon City Manager

From - John Costol  
859 Chicago ave. SE #214  
Bandon, OR 97411  
347-9361  
5/22/2024

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Bandon City Council

Dear City of Bandon,

I am writing you today regarding the overpopulation of crows as the result of residence feeding them. Bandon residence and others continue to feed them creating a relentless nuisance.

In fact my next door neighbors at 875 Chicago avenue had to sell their home and move away as a result of this ever increasing problem.

This issue has also resulted in having a neighbors and my paint being etched off our vehicles by crow excrement.

Our sidewalks and parking lot are often littered with crow excrement.

I am increasingly being subjected to the relentless and disturbing sounds of screaming crows.

My neighbors and I should not be forced to this continual abuse.

There is also an increase of rodents as

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BY: CHANDSO



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BY: Alvin Jose

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a result of randomly throwing food to crows.

I have urged The City Council to help mitigate this ongoing problem for well over one year on at least two occasions to no avail.

Cities like Sunnyvale and Sacramento California are actually taking measures to help mitigate their crow problem.

Bandon City Code Ordinance No. 1653 fails to differentiate the behaviors and characteristics between crows and other passerine songbirds.

Regardless of crows being classified as passerines they are much different and can be much more destructive by their very nature.

Crows will often eat young songbirds and the eggs of adult songbirds.

Crows sound and behave much differently

BY: H. H. H. H.  
MAY 28 2021

Than other songbird (passerines) and can be every bit if not even more of a nuisance and menance as bear, rat, mouse, coyote, opossum, rabbit, skunk, squirrel.

Crows should appropriately be in the same category as the animals listed above.

However, seagulls, crows, raccoons, skunks, opossums and other wildlife were listed in

City of BANDON City Council Agenda Documentation Date: September 14, 2020

ITEM NO. 5.3.1

Subject: Resolution 20-20. Declaring that Feeding wildlife is a public nuisance.

This is the way that appropriately listed crows with other potential nuisances.

Then on October 3 2022, Ordinance NO. 1653

Bandon Munciple Code Section 6.24.150 was amended.

The amendment intentionally omitts the word crows.

It also excludes songbirds as a potential nuisance.

This essentially now leaves crows off the hook as being a potential nuisance any longer.



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Page 9 of 14 October 3, 2022 City Council Meeting

Then in the 5.4.2 Ordinance 1653 - Amending Wildlife Feeding Ordinance, Dan "Chandler noted that crows, raccoons and rats would eat whatever the seagulls ate."

Dan Chandler had some common sense in making this statement.

The rest of page 9 of 14 sums up how and why the previous September 14, 2020 was intentionally amended the way it presently stands.

It was clearly in my view, to protect crows under the now newly established songbird (passerine) umbrella.

This will give the crow feeders more leeway to feed crows and less to the subjects of their abuse.

This is in no way ethically, morally and quite possibly legally unjust.

I now ask The Bandon City Council to adopt a new amendment by adding crows to the list of animals to 6.24.150 parts B and C.

I now ask The Council that the distinction between crows and other passerines are clearly defined.

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BY: H. H. JOSE

I now ask The Council to consider increasing fines to nuisance violators, this in turn would deter their actions.

The fines could then help to pay for enforcement of our codes.

I urge The Bandon City Council to make and adopt the changes detailed in this letter at the next City Council Meeting on June 3rd 2024.

Thank you for your help and cooperation in these matters.

Sincerely,  
John B. Costa



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BY: Hinojosa

#### 5.4.2 Ordinance 1653 – Amending Wildlife Feeding Ordinance

Chandler provided a brief Staff Report on Ordinance 1653. He stated that the City had received numerous complaints over a period of several years about health concerns and property damage resulting principally from the attraction and feeding of seagulls. Chandler noted that crows, raccoons, and rats would eat whatever the seagulls ate.

The Bandon Municipal Code (BMC) granted the City Council the authority to define an activity as a public nuisance. This had been done in 2020 in the form of a resolution prohibiting the feeding of wildlife, but there had been some challenges to the definitions that were used in that resolution. Staff had decided that codifying the wildlife feeding resolution in the form of an ordinance would clarify its intent and provide better notice to the public.

Chandler noted that the ordinance would prohibit the feeding of all wildlife, with the exception of feeding songbirds in a closed container. He pointed out that crows were classified as songbirds.

#### Larry Makinson, 1155 Newport Avenue SW, Bandon, OR 97411

Makinson began, "I'm here to speak on behalf of the crows." He stated that he understood there were birds that could cause a public nuisance. Makinson took issue with the wording of the proposed ordinance, which permitted songbirds to be fed, but only in an appropriately placed feeder. He noted that even if crows were considered songbirds, they would not go to bird feeders.

Makinson described his daily routine of taking two walks a day around City Park and up and down the stairs at Coquille Point. He took along a bag of peanuts and a bag to pick up trash. "I throw the peanuts at the crows," he said. "The crows take them away. I don't consider that to be a public nuisance. I've never in 15 years had anyone complain." Makinson maintained that he tried to limit his feeding to specific areas. He hoped he would not be subject to a fine for feeding peanuts to the crows.

Seymour observed that the crows were not causing a problem where Makinson was feeding them, but she had experienced instances where a crow had dropped something in her yard that her dog should not have. "You don't know if they're becoming a nuisance to somebody else because you fed them," she told Makinson.

Schamehorn assured Makinson that the City generally responded if there were complaints.

Makinson explained that he began feeding crows after reading a book called *Caw of the Wild*, which he said could be found in the Bandon Public Library.

Schamehorn interjected that crows were extremely intelligent.


Makinson agreed and added that they could recognize human faces and although the ones he fed did not bother anyone else in the neighborhood, they knew him.

Schamehorn told how the City's Code Compliance Officer had recently dropped off a copy of the wildlife feeding resolution at her sister's house, because a neighbor had complained of crows being fed there. This caused embarrassment at a family dinner because the Mayor's name was on the resolution. Another of Schamehorn's sisters was present and explained that crows were songbirds.

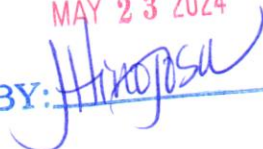
Vick stated that he was generally in favor of the ordinance, but he did not want anyone being accused of feeding wild animals because raccoons came into their yard to eat the fruit on their trees.

Chandler responded by reading Section D of the ordinance, which said, "Attractant does not include lawns, flowers, shrubs, trees, or gardens that are eaten by wild animals." He thought that section addressed Vick's concerns.

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CITY OF BANDON	
CITY COUNCIL AGENDA DOCUMENTATION	DATE: September 14, 2020
SUBJECT: Resolution 20-20. Declaring that feeding wildlife is a public nuisance	ITEM NO. 5.3.1
<p><b><u>BACKGROUND:</u></b></p> <p>The City has received numerous complaints of health concerns and property damage resulting from the attraction and feeding of seagulls, <u>crows</u>, racoons, skunks, opossums and other wildlife. The Bandon Municipal Code grants the City Council the authority to define activities as a public nuisance, rendering them subject to Chapter 8.08 of the Bandon Municipal Code.</p> <p>The attached resolution defined feeding of wildlife as a public nuisance, and enumerates exceptions.</p> <p><b><u>FISCAL IMPACT:</u></b></p> <p>Violations of the Ordinance will be subject to citation and fines.</p> <p><b><u>RECOMMENDATION:</u></b></p> <p>Approve Resolution 20-20, declaring the feeding of wildlife to be a public nuisance.</p>	
SUBMITTED BY: 	
Dan Chandler City Manager	

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BY: 



John Costa!

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BY: Hinojosa

**ORDINANCE NO. 1653**

**AN ORDINANCE AMENDING SECTION 6.24.150 OF THE BANDON MUNICIPAL CODE ADDRESSING WILDLIFE FEEDING.**

**Whereas**, there have been cases in the City of Bandon where the feeding of wildlife, including birds has caused significant damage to nearby property, and attracts disease vectors; and

**Whereas**, the State of Oregon recommends that persons not feed wildlife; and

**Whereas**, feeding wildlife is harmful to wildlife; and

**Whereas**, feeding wildlife attracts rats and other disease vectors; and

**Whereas** pursuant to Bandon Municipal Code Section 8.08.040(B) allows the City to declare certain unenumerated activities as public nuisances:

**Now therefore**, the City of Bandon resolves as follows:

Now, therefore,

**THE CITY OF BANDON ORDAINS AS FOLLOWS:**

**Section 1.** Bandon Municipal Code Section 6.24.150 is amended as follows:

6.24.150 Feeding Wild Animals Prohibited Activity

~~A. It is unlawful for any person to intentionally feed wild turkeys within the City Limits of Bandon at all times.~~

A. The attracting or feeding of wild animals within the city limits is declared to be a public nuisance and is prohibited at all times. This prohibition includes a person placing or knowingly allowing food or other attractants to be placed or to remain on their property or public property with the intent of attracting or feeding wild animals. Nothing contained in this section shall prohibit the feeding of songbirds provided that the food is contained in a feeder which is reasonably designed to avoid access by wild animals and placed in a manner to avoid access by wild animals. This section does not prohibit the feeding of wild animals kept under a valid permit issued by the Oregon Department of Fish and Wildlife.

B. "Wild animal" means any amphibian, bird, fish, mammal, reptile or other animal which is not normally domesticated in this state; or any non-domestic, or untrained animal

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BY: *Hinojosa*



CITY OF BANDON  
ORDINANCE NUMBER  
1653

**AN ORDINANCE AMENDING BMC SECTION 6.24.150**

**ADOPTED: 10/3/2022**

**PASSED: 6-0 (Yes, Vick, Procetto, Seymour, Braun, Smith  
and Powell)**

**REJECTED**

**OPPOSED**

**ABSTAINED**

**EFFECTIVE: 11/2/2022**

**June Hinojosa, City Recorder.**



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BY: Hinojosa

**BANDON CITY COUNCIL  
REGULAR MEETING  
MONDAY OCTOBER 3, 2022 - 7:00 P.M.**

**City Hall open for public participation and by Zoom  
TO JOIN CITY COUNCIL MEETING VIA ZOOM:**

<https://Zoom.us/Join>

MEETING ID: 215 705 9460

**TO CALL INTO COUNCIL MEETING (253) 215-8782**

**CITY COUNCIL REGULAR MEETING AGENDA**

- 1. CALL TO ORDER – INVOCATION -PLEDGE OF ALLEGIANCE**  
Pastor Jim Minkler, Seabird Church of God
- 2. PUBLIC REQUEST(S)**
- 3. PRESENTATIONS**
  - 3.1 Volunteer of the Month Harv Schubothe
  - 3.2 John Sweet County Commissioner Measure 6-204 (jail levy)
- 4. HEARINGS**
- 5. PROCEEDINGS**
  - 5.1 ACTIONS**
  - 5.2 DISCUSSIONS**
    - 5.2.1 Nuisance Dogs and Dog Attacks
  - 5.3 RESOLUTIONS**
    - 5.3.1 Resolution No 22-20 Accepting the Abstract of Votes- Measure 6-197  
Transient Lodging Tax Increase
  - 5.4 ORDINANCES**
    - 5.4.1 Ordinance No 1652 - Amending Title 17 of the Bandon Municipal Code to  
Allow Mobile Food Units and Mobile Food Unit Pods and Providing an  
Effective Date
    - 5.4.2 Ordinance No 1653 – Amending Wildlife Feeding Ordinance
- 6. CONSENT AGENDA**
  - 6.1 APPROVAL OF COUNCIL MINUTES**
    - 6.1.1 City Council Meetings
      - August 15, 2022, City Council Special Meeting and Work Session
      - September 12, 2022, Regular Meeting

MAY 23 2024

BY: 

Schamehorn recalled that the template for Bandon's ordinance was the code language from another community, where the problem was mainly raccoons and opossums. She noted that seagulls had been the main problem in Bandon, with two specific situations "where people feed literally hundreds of seagulls, and the seagulls have done damage to the neighboring property."

"Seagulls and pigeons," Vick added.

Kudlac read Ordinance 1653 by title only. Seymour offered a motion to pass the ordinance to a second reading by roll call vote and Procetto seconded the motion. By unanimous roll call vote, the motion passed (6:0):

AYES: Braun, Powell, Procetto, Seymour, Smith, Vick

NAYS: None

Kudlac read the ordinance a second time by title only. Seymour moved to adopt Ordinance 1653 and Procetto seconded the motion, which passed unanimously by roll call vote (6:0):

AYES: Braun, Powell, Procetto, Seymour, Smith, Vick

NAYS: None

## 6.0 CONSENT AGENDA

The Council considered the following items on the Consent Agenda:

### 6.1 APPROVAL OF COUNCIL MINUTES

#### 6.1.1 City Council Meetings

- August 15, 2022 – Special Meeting and Work Session
- September 12, 2002 – Regular Meeting

### 6.2 REVIEWING OF COMMISSION AND COMMITTEE MINUTES

#### 6.2.1 Planning Commission Meetings (none)

### 6.3 INFORMATION ONLY: DEPARTMENT REPORTS

#### 6.3.1 Accounts Payable Report for August 2022

#### 6.3.2 Library Report for August 2022

#### 6.3.3 Public Works Report for September 2022

#### 6.3.4 Community Center and Sprague Theater Report for September and October 2022

#### 6.3.5 Planning Department Report for September 2022

#### 6.3.6 Police Department Report for September 2022

#### 6.3.7 Finance Department Report for August 2022

#### 6.3.8 Consolidated Municipal Utility Report

#### 6.3.9 Municipal Court Report for August 2022

### 6.4 INFORMATION ONLY: OTHER ITEMS

#### 6.4.1 Authorization for Account Write-Offs

### 6.5 EASEMENTS AND RIGHTS-OF-WAY (none)

### 6.6 COMMITTEE/COMMISSION DIRECTION AND REPORTS (none)

Referring to Item 6.4.1 Account Write-Offs, Seymour commented that it appeared to take an average of almost three months for the City to terminate the service to customers who had stopped paying their utility bill. She wondered if there was any way to shorten that amount of time.



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BY: Hinojosa

which because of its size, natural disposition, or other characteristic constitutes a hazard or menace to persons or animals or is likely to damage property. Without limiting the generality of the foregoing, such animals include, but are not limited to, a bear, rat, mouse, coyote, opossum, raccoon, rabbit, skunk, squirrel or any bird other than songbirds as defined herein.

C. "Songbird" means any of a large number of bird species in which the vocal organ is developed in such a way as to provide various sound notes commonly known as a bird song. Songbirds are generally described as passerines.

D. "Attractant" means any substance that draws animals to a particular location and includes, but is not limited to, food, garbage, or salt lick. Attractant does not include lawns, flowers, shrubs, trees, or gardens that are eaten by wild animals.

E.- Notwithstanding any other provision of this code, or penalty prescribed by statute, any person found in violation shall be subject to a minimum \$100 and maximum \$250 fine for the first offense. Additional offenses shall be subject to the provisions of Chapter 6.30 of the Bandon Municipal Code.

**Section 2. Effective Date.**

This ordinance takes effect and becomes operative 30 days from the date of passage.

First reading this 3 day of October 2022. 6:00.

Second reading and passage by this Council this 3 day of October 2022. 6:00.

Signed by the Mayor this 3 day of October, 2022.

ATTEST:

SIGNED:

June Hinojosa  
June Hinojosa, City Recorder

Mary Schamehorn  
Mary Schamehorn, Mayor