



# TOWN OF DEWEY

## BEACH

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ORDINANCE NO. \_\_\_\_\_

**AN ACT TO AMEND CHAPTER 60, ANIMALS, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, BY ADDING A NEW SECTION ARTICLE III WATERFOWL, §60-10, §60-11, §60-12 RELATING TO PROHIBITING THE FEEDING OF WATERFOWL.**

**WHEREAS**, it is well established that the feeding of waterfowl, to include sea gulls, is detrimental to the animals; and

**WHEREAS**, the feeding of waterfowl, to include sea gulls, causes a public nuisance and safety hazard that is detrimental to the health and general welfare of the public, degrades the environment and damages property; and

**WHEREAS**, deems it necessary to prevent the public nuisance caused by the congregation of wild animals, waterfowl, sea gulls and pigeons due to individuals feeding said wildlife and to protect the species; and

**WHEREAS**, the Commissioners of the Town of Dewey Beach seek to amend Chapter 60 Animals of the Town of Dewey Beach by adding a new Section, Article III specifically related to Waterfowl.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

**Section 1.** Add a new section of code, Article III Waterfowl, §60-10, §60-11, and §60-12 to the existing code of Chapter 60 Animals.

**Section 2.**

**§ 60-10 Intent.**

**A.** The feeding of ducks, geese, and gulls encourages waterfowl to halt their normal migrations and establish a residency in the town. The growing populations of waterfowl result in large amounts of waterfowl droppings that potentially can spread disease. Other problems caused by droppings are excess nutrients in the town lake, that in turn can cause algae blooms, damage to lawns and the soiling of public areas around the town lake.

**B.** It is the intent of this article to minimize the attraction of these birds by restricting their feeding and other acts that encourage the birds to halt their migrations and to reside in the town. Improper feeding (bread) can cause medical and genetic issues for migrating birds like ducks and geese.

**§ 60-11 Prohibitions.**

**A.** No person shall feed, cause or permit to be fed or provide food for ducks, geese and/or fowl within the corporate limits of the town of Dewey Beach.

**B.** No person shall create or foster any condition or allow any condition to exist or continue which results in a congregation or congestion of domestic or migratory waterfowl.

C. No person shall feed, cause or permit to be fed or provide food for gulls, seals, turtles or any other mammal or waterfowl from a pond, lake or stream, or any portion of the beach or boardwalk, as improper feeding can cause harm and aggressive behavior in wildlife.

**§ 60-12 Violations and penalties.**

Any person violating any provisions of this article shall, upon conviction, pay a fine not less than \$5 or more than \$50, and shall pay the cost of prosecution. For each subsequent offense, he shall be fined not less than \$25 or more than \$200 and shall pay the cost of prosecution.

**Section 3.** If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance, which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 4.** This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on June 17, 2022.

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William Stevens, Mayor

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Bill Zolper, Town Manager

**SYNOPSIS**

This Act amends Chapter 60, Animals, to add a new Section, Article III Waterfowl, §60-10, §60-11, §60-12 relating to prohibiting the feeding of waterfowl.