

ORDINANCE NO 35  
VILLAGE OF ONEKAMA  
MANISTEE COUNTY, MICHIGAN

AN ORDINANCE TO CONTROL AND REGULATE THE FEEDING OF CERTAIN SPECIES OF BIRDS AND WATERFOWL WITHIN THE VILLAGE LIMITS OF ONEKAMA, THE PORTAGE LAKE SHORELINE WITHIN THE VILLAGE LIMITS AND ITS PARKS; TO ESTABLISH PENALITIES FOR VIOLATIONS AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH

THE VILLAGE OF ONEKAMA ORDAINS:

Section 1. Findings and Purpose. The Village Council of the Village of Onekama here by determines that the presence of large numbers of certain species of birds and waterfowl are a nuisance and cause a probable public health problem by contaminating beaches, nearby public swimming areas and shoreline parks. Therefore, this Ordinance is adopted to prevent such conduct that may attract and concentrate certain species within the Village limits on the Portage Lake shoreline and in Village of Onekama.

Section 2. Definitions.

- a. "Congregation" means any flock of more than five (5) waterfowl.
- b. "Person" means any natural person, firm, association, partnership, corporation, limited liability company, limited liability partnership, or similar legal entity or any combination of them, but does not include the Village or any other governmental agency or municipal corporation located or acting within the Village.
- c. "Village" shall mean the Village of Onekama.
- d. "Shoreline" shall mean that part of Portage Lake where the water meets the land and which lies within the political boundaries of the Village.
- e. "Village Parks" shall mean any and all public parks under the jurisdiction and control of the Village.
- f. "Domestic Waterfowl" shall mean non-native ducks, geese and swans not native to North America and not used by a person for agricultural operations or being raised by a person as part of an animal husbandry program such as 4-H and similar programs.
- g. "Feed or Feeding" shall mean the act of furnishing of food or other sustenance in any form and by any means to any bird or waterfowl species regulated by this Ordinance.

- h. "Migratory Waterfowl" shall mean ducks, geese, and swans native to North America.

Section 3. Prohibited Acts

- a. No person shall feed, attempt to feed, cause to be fed or provide food for domestic or migratory waterfowl within the Village of Onekama, the Portage Lake shoreline within the Village Limits or any Village park.
- b. No person shall create or foster any artificial condition, or allow any artificial condition to exist or continue, which is intended to or results in a congregation of domestic or migratory waterfowl within the Village of Onekama, the Portage Lake shoreline within the Village Limits or any Village park.

Section 4. Song Bird Feeders Within the boundaries of those areas identified above in Section 3, in which the feeding of waterfowl is prohibited, birdfeeders may be erected and maintained for species other than domestic or migratory waterfowl.

Section 5. Penalty Any person who violates this ordinance shall be guilty of a municipal civil infraction under Ordinance No. 30 of the Village, being the Village of Onekama Municipal Ordinance Violations Bureau Ordinance.

Section 6. Effective Date This ordinance shall become effective on the twenty-first (21) day following its publication as required by law.


Section 7. Repealer All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Those voting in favor: Bob Blackmore, David Combs, Alice Hendricks, Kim Lagerquist, Craig Peterson, Donald Schwing and Bob Wendt.

Those voting against: None

Those absent or abstaining: None

ORDINANCE DECLARED PASSED.



Ruth M. Hudson, Onekama Village Clerk