

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #03-2025

AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; AMENDING CHAPTER 6, “ANIMALS”, ARTICLE I, “IN GENERAL”, BY THE REPEAL AND READOPTION OF SECTION 6-21, “FEEDING OF WILD ANIMALS AND BIRDS PROHIBITED EXCEPT THE FEEDING OF BIRDS AND SQUIRRELS BY MEANS OF AN ELEVATED FEEDER”, TO ADOPT A NEW SECTION PROHIBITING THE FEEDING OF PIGEONS AND SEAGULLS, AND TO REGULATE GROUND FEEDING OF WILD ANIMALS AND BIRDS.

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

That Sec. 6-21. – Feeding of wild animals and birds prohibited except the feeding of birds and squirrels by means of an elevated feeder, under Chapter 6 “Animals”, Article I “In General”, be repealed and readopted to hereafter read as follows:

Chapter 6 “Animals”
Article I “In General”

Sec. 6-21. - Feeding of pigeons and sea gulls prohibited; Feeding of wildlife.

(a) Feeding of pigeons and sea gulls prohibited.

It shall be unlawful to feed pigeons or sea gulls anywhere in the city, or to knowingly place any food or food scraps for the purpose of feeding pigeons or sea gulls anywhere in the city. The scattering of food or food scraps on the ground or in an open, free access container, or a tray by an individual shall be prima facie evidence that the individual intended to feed pigeons or sea gulls.

(b) Feeding of wildlife prohibited under certain circumstances; declaration of public nuisance.

It shall be unlawful for any person to feed any bird, feral animal, waterfowl, wildlife or vermin on any public or private property or public roads if such feeding shall cause any of the following conditions to occur:

- (1) Cause any bird, feral animal, waterfowl, wildlife or vermin to congregate, roost, or linger on someone else's property other than the person who is doing the feeding.
- (2) To place or cause feed or other edible debris that can be consumed by birds or animals to accumulate on the ground.
- (3) Cause or result in damage to public property or the private property of others.
- (4) Create a danger to or interfere with the public health or welfare, including but not limited to the accumulation of waste products or excrement on any property.
- (5) Endanger the animal's welfare by feeding it next to a road or other unsafe areas.
- (6) Public nuisance. Any of the conditions stated herein which occur on public or commercial property pose a health hazard, in addition to offending aesthetic senses through air and migratory contamination and are declared to be a public nuisance.

(c) Feeding of wild birds is permitted with limitation and further prohibitions..

The feeding of wild birds (excluding pigeons and sea gulls) is permitted subject to section (b) above, and provided that such feeding is done only from containers and supports which prohibit access by other rodents and/or wild animals, and is done only from a self-contained feeder that:

- (1) prohibits access by other wild animals,
- (2) is elevated at least forty-eight (48) inches above ground level,
- (3) is designed to prevent feed or seed from falling to the ground,
- (4) has an opening no greater than 2 inches wide,
- (5) holds no more than 2 pounds of bird food.

Further limitations:

- (6) Feeding is prohibited from any feeder other than the type permitted herein, including but not limited to feeding from any open, free access container, tray or platform,
- (7) a resident shall have no more than five bird feeders of the type permitted herein located on their property.

(d) Limitation.

The prohibitions of this section shall not apply to pigeons kept in cages and lofts as otherwise allowed by law.

(e) Complaints.

Any complaints about excessive feeding or any other violation of this section shall be directed to the city's Ordinance Officer. Upon determination the complaint has a sufficient factual basis, the Ordinance Officer shall perform an inspection of the property site to determine whether such feeding, or other condition complained of, is violating provisions of this section and/or should be eliminated.

Upon such a determination being made, the necessary corrective action shall be taken by the owner or occupant of the property upon which the violation occurs.

In the event the Ordinance Officer determines that a nuisance exists within the meaning of this section, such officer may issue a written notice to be served on the violator, requiring such person to abate the nuisance within the time specified or issue a civil infraction.

If the person fails to abate the nuisance as required, the city may undertake such abatement and charge the costs against the violator, payment of which may be assessed as a lien on the violator's property.

For purposes of this section, a violator on occupied property will be presumed to be the occupant thereof.

(f) Civil infraction.

Any person who violates this section is responsible for a civil infraction as follows:

- (1) First offense: \$250
- (2) Second offense: up to \$500
- (3) Third and subsequent offense: \$1,000 per offense

SECTION 2. Repeal.

All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Codification; Scrivener's Errors:

- (a). Section 1 of this Ordinance shall be codified, and all other sections shall not be codified.
- (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator, or designee, without the need for a public hearing.

SECTION 6. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 7. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the 25th day of February, 2025.

GALE McLEOD, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park