

**ORDINANCE NO. 370**

**VILLAGE OF SPRING LAKE BIRD AND WATERFOWL FEEDING ORDINANCE**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN, BY ADDING A NEW CHAPTER WHICH SHALL BE DESIGNATED AS CHAPTER 203, ENTITLED BIRD AND WATERFOWL FEEDING, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA AND STATE OF MICHIGAN ORDAINS:

**Section 1. Amendment of the Code of Ordinances.** The Code of Ordinances adopted by the Village of Spring Lake, County of Ottawa, is hereby amended to add a new Chapter 203, which shall state in its entirety as follows:

**CHAPTER 203. BIRD AND WATERFOWL FEEDING**

**203-1. Purpose.** The presence of a large number of certain species of birds and waterfowl cause a public health nuisance by contaminating beaches in our public swimming areas, parks, riverways, sidewalks and pathways used by the public. Accordingly, this Chapter is adopted to prevent such conduct as may attract and concentrate certain species in the Village.

**203-2. Definitions.** The following definitions shall apply to terms used in this Chapter:

VILLAGE shall mean the Village of Spring Lake, Michigan.

DOMESTIC WATERFOWL shall mean non-native ducks, geese and swans not retained in agricultural operations.

FEED AND FEEDING shall mean the act of feeding or the furnishing of food or other substances in any form to bird or waterfowl species regulated by this Chapter.

MIGRATORY WATERFOWL shall mean ducks, geese and swans native to North America.

PIGEON shall mean any of the various birds of the widely distributed family Columbidae, especially the rock dove or any of its domesticated varieties.

**203-3. Prohibition on Feeding.**

**Migratory and domestic waterfowl:**

1. No person shall feed, cause to be fed, or provide food for domestic or migratory waterfowl or gulls located on lands either privately or public owned in the Village.

2. 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 or gulls on land either privately or publicly owned in the Village.

**Pigeons:**

1. No person shall feed, cause to be fed, or provide food for pigeons located in the Village.

2. No person shall create or foster any condition, or allow any condition to exist or continue, which results in a congregation or congestion of pigeons within the Village.

**203-4. Exceptions.** This Chapter shall not be construed to prohibit humane acts towards waterfowl in individual cases, such as temporary nurturing of a wounded bird on one's own premises, or bird feeders erected or maintained for the purpose of feeding other avian species.

**203-5. Violation and Penalties.** Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of this Chapter shall be responsible for a municipal civil infraction, subject to Section 1-2. Increased civil fines may be imposed for "repeated violations," which means a second or subsequent municipal civil infraction violation committed by a person within any 12-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeated violations is set forth in Section 1-2.

**Section 2. Administrative Liability.** No officer, agent, or employee of the Village shall be personally liable for any damages the Village may accrue to any person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

**Section 3. Severability and Captions.** This Ordinance and its various sections, subsections, sentences, phrases, and clauses are declared to be severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. Pronouns shall be read as masculine, feminine, or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed as part of this Ordinance and shall have no independent significance.

**Section 4. Repeal.** All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of its effective date are repealed to the extent of such conflict.

**Section 5. Publication.** After its adoption, this Ordinance or a summary thereof, as permitted by law, shall be published by the Village Clerk in the Grand Haven Tribune, a newspaper of general circulation in the Village.

**Section 6. Effective Date.** This Ordinance shall take effect upon publication.

VILLAGE OF SPRING LAKE

Dated: August 16, 2021

By: \_\_\_\_\_  
Mark Powers  
Its: President

By: \_\_\_\_\_  
Marvin Hinga  
Its: Clerk

**CERTIFICATE**

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Village Bird and Waterfowl Feeding Ordinance Amendment was adopted at a regular meeting of the Village Council held on August 16, 2021. The following members of the Village Council were present at that meeting: Duer, Miller, TePastte, Van Strate and Powers. The following members of the Village Council were absent: Petrus and Hanks. The Ordinance was adopted by the Village Council with members of the Council Duer, Miller, TePastte, Van Strate and Powers voting in favor, and no members of the Council voting in opposition. Notice of Adoption of the Ordinance was published in *The Grand Haven Tribune* on August \_\_\_\_ 2021.

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Marvin Hinga, Clerk/Treasurer  
Village of Spring Lake