

MUNICIPAL ORDER NO. 2012 - 210

MUNICIPAL ORDER APPROVING REVISED CITY
OF BOWLING GREEN NUISANCE BIRD AND
WILDLIFE POLICY

WHEREAS, wildlife and bird behaviors often create conflict with residents of the City of Bowling Green, including the residents' pets and property; and,

WHEREAS, at times, these behaviors are viewed as a nuisance by City residents requiring mitigation action by the City; and,

WHEREAS, the City has operated under a Nuisance Wildlife Policy for several years and discussed with the Board of Commissioners suggested revisions to the policy at a recent work session; and,

WHEREAS, this revised Nuisance Bird and Wildlife Policy is in the best interests of the City.

NOW, THEREFORE, BE IT ORDERED by the City of Bowling Green, Kentucky as follows:

1. The City of Bowling Green Nuisance Bird and Wildlife Policy, a copy of which is attached to and made a part of this Municipal Order as if copied in full herein, is hereby approved and adopted.
2. The City Manager and all other appropriate City officials are hereby authorized and directed to take necessary actions to implement and enforce this policy in the City.
3. This Municipal Order shall be in full force and effect upon signature and recordation.

ADOPTED: November 20, 2012

APPROVED: Bruce Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Kate Schaller
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 11/09/2012, 10:25 a.m.

2012-210

CITY OF BOWLING GREEN NUISANCE BIRD & WILDLIFE POLICY

I. POLICY

As stewards of the City's natural environment, the City of Bowling Green will practice an attitude of acceptance of and tolerance for birds and wildlife. While conflicts between wildlife and humans can arise, the significance of this conflict and its impact will determine what action, if any, the City may take to manage this balance.

The mere *observation* of birds or wildlife on private or public property should not be interpreted itself as a threat or nuisance. Moreover, wildlife or bird behaviors that create conflict with humans, pets and property can potentially be viewed as a *nuisance*, but those behaviors may not necessarily require mitigation action by the City.

II. Plan for Management of Wildlife Conflicts

Specifically excluded from management action by City Animal Control Officers are pests (rodents, bats, other creatures typically handled by pest control companies) and animals in, on, or under dwellings. Animal Control Officers will not enter attics, crawl spaces, or underneath structures. Incidents involving exotic animals and/or reptiles may be evaluated case by case under this policy and/or under Chapter 5 of the City of Bowling Green Code of Ordinances.

Reports of wildlife activity and/or conflicts will be evaluated by the City Animal Control Officers, assisted by any wildlife management professional hired by the City, to determine:

- The level or degree of danger to public health and safety,
- The level or degree of danger to air or watercraft,
- The level or degree of danger to public infrastructure.

The significance of these impacts will determine the type of management action taken, along with the following:

- Proven wildlife management techniques
- Appropriate animal welfare concerns
- Applicable laws and regulations
- Imminent danger to **public** welfare or safety
- Effectiveness of solution
- Cost.

Animal Control Officers will directly respond to all animal incidents that present an **immediate danger** to public safety and shall be empowered to make a threat assessment and determine if management action is needed. Animal Control Officers will also evaluate and assess reports of nuisance birds, contracting if needed with USDA Wildlife Biologists for abatement services.

III. DETERMINATION AND ACTIONS

All public concerns about bird and wildlife activity creating conflicts will be handled by City staff using the actions below:

Assessment:

Upon receiving a report of nuisance bird and wildlife activity, Animal Control Officers will ask questions and/or make a site visit to verify the nature of the activity and make a threat assessment. This assessment may also include consultation with wildlife professionals regarding whether mitigation is needed and/or likely to be successful.

Education:

Animal Control Officers will utilize information made publicly available by wildlife professionals to educate complainants on exclusion and/or deterrence methods they can incorporate themselves, as well as on what behaviors exhibit an actual threat to human or pet safety.

Animal Control Officers may work in conjunction with USDA, contractors, Neighborhood & Community Services, and/or groups of neighbors to increase awareness regarding wildlife nuisances in geographic neighborhoods, as needed.

Technical advice and referral for private abatement:

In situations where impacts are negligible, do not rise to the level of a public nuisance, or are expressly excluded by policy, Animal Control Officers may provide guidance to complainants regarding obtaining private abatement services.

Contracted abatement:

In situations where Animal Control Officers determine that abatement is warranted, Animal Control Officers may contract with wildlife professionals (including the USDA) to provide trapping or other abatement services. Animal Control Officers may also make this determination for property and facilities owned by the City of Bowling Green.

In the case of impacts to public areas owned by the City, the City may decide to take management actions to protect resources, facilities, and services. The City will follow established mitigation procedures, beginning with exclusion, proceeding through harassment, and ending with removal of wildlife. If the habitat is found to be unsuitable, if exclusion methods fail or are infeasible, or if a safety threat persists, the City may take population management action. Whatever type of action is taken, it will be conducted in as humane a manner as possible, with due regard for wildlife habitat welfare.

In cases where Bowling Green Animal Control Officers contract to trap or capture a nuisance wildlife animal, circumstances may require that the nuisance wildlife animal be euthanized.

All wildlife conflict actions will be documented by the City.

WILDLIFE POLICY

November 20, 2012

IV. PROFESSIONAL ASSISTANCE AND BUDGETING

The City shall contract with an expert wildlife biologist or trapping professional to assist in the overall objectives of the Wildlife.

The City shall allocate such funds as the Commission shall feel necessary to carry out this policy.

Policy Log

Draft: September 21, 2012

Presented at Work Session: October 16, 2012

Recommended by City Manager: November 20, 2012

Approved by Commission: November 20, 2012

Effective Date: December 1, 2012

Definitions from Chapter 5:

"Animal" shall mean any warm-blooded living creature, except humans

"Domestic animal" shall include dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

"Exotic or wild animal" shall mean any live monkey, nonhuman primate, member of the feline species other than domestic cat, member of the canine species other than domestic dog, raccoon, skunk, fox, bear, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild, alligator, crocodile, cayman, sea mammal, venomous or poisonous reptiles, amphibians or insects, constrictor snakes, any other animal identified by the Kentucky Department of Fish and Wildlife Resources as inherently dangerous to human health and safety, and any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals. Wild animal does not include domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents or any hybrid animal that is part wild and captive-bred species of common cage birds.

"Vicious or dangerous animal" shall mean any animal that attacks, bites or physically injures human beings, domestic animals or livestock without adequate provocation, or which because of temperament or training has a known propensity, tendency or disposition to attack, bite or physically injure human beings, domestic animals or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed vicious or dangerous. This definition shall not apply to dogs used by law enforcement officers in the performance of their duties.

Included for possible abatement are skunks, possums, raccoons, coyotes, snakes, and birds (starlings, corvids, blackbirds, grackles, pigeons, sparrows, robins, turkey vultures, etc.). Specifically excluded from abatement are bats, rodents, squirrels, moles, chipmunks, turkeys, rabbits, and quail.