

ORDINANCE 2023-15

**ORDINANCE ADDING CHAPTER 14 ANIMALS,
ARTICLE VI. WILDLIFE
TO THE NILES CODE OF ORDINANCES**

Dated: This 28th day of March, 2023

**Published in Pamphlet Form by Authority
of the
President and Board of Trustees
Village of Niles**

ORDINANCE 2023-15

ORDINANCE ADDING CHAPTER 14 ANIMALS, ARTICLE VI. WILDLIFE TO THE NILES CODE OF ORDINANCES

WHEREAS, the Village President and Board of Trustees (hereinafter collectively referred to as the "Village Board") of the Village of Niles, Cook County, Illinois (hereinafter the "Village"), find that the Village is a Home Rule Municipal Corporation as provided in Article VII, Sec. 6 of the 1970 Constitution of the State of Illinois and pursuant to said Constitutional Authority, may exercise and perform any function pertaining to its governmental affairs; and

WHEREAS, the President and Board of Trustees have determined approving the text amendment will serve and be in the best interest of the Village.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Niles, Cook County, Illinois, as a Home Rule Municipality, as follows:

SECTION 1: Chapter 14 Animals, Article VI. Wildlife of the Niles Code of Ordinances shall be added as follows:

ARTICLE VI. - WILDLIFE

Sec. 14-115. Purpose.

To regulate the excessive amount of food fed to wildlife and to keep the Village of Niles cleaner and safer for residents.

Sec. 14-116. Definitions.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Birdfeeder means an apparatus or device used for supplying feed to wild birds.

Feed means any material, including but not limited to bird seed, bird feed, corn, bread pieces, food scraps, domestic animal food, or any similar substance which can be utilized for consumption by wild/feral mammals and/or birds to provide nourishment.

Hanging feeder means feeders designed for suspension from a stationary object, but which may be mounted on a post or similar object. The majority of the feed remains enclosed within the feeder with access points for the intended species. The term "hanging feeder" includes but is not limited to hoppers, tube feeders, window feeders and post-mount feeders.

Hummingbird feeder means feeders designed to hold liquid feed and attract nectar-feeding bird species.

Platform feeder means feeders designed for the open placement of feed generally intended for consumption by ground-feeding species.

Post-mount feeder means feeders designed for mounting on a post or stationary object. The majority of the feed remains enclosed within the feeder, with access points for the intended species.

Suet feeder means a fat-based feed generally formed into a ball or block and intended primarily for feeding insect-eating birds.

Water source means a type of container that holds water used by birds for drinking and bathing. The term "water source" does not include ornamental ponds.

Wild/feral animal and/or bird means any mammal or bird not generally considered domesticated, including but not limited to the following: gray squirrel, ground squirrel, chipmunk, rat, mouse, rabbit, raccoon, opossum, skunk, pigeon, sparrow, mourning dove, starling or crow.

Sec. 14-117. Feeding wildlife and birds.

- (a) No person under any circumstances may provide feed for wild deer, either on public or private property. This includes hand feeding and leaving food out for deer to consume.
- (b) No person may provide feed for wild animals, including birds, on the premises of another without that person's permission.
- (c) Ground feeding prohibited. Certain birdfeeders are allowed for use and in moderation as long as all feed is placed in a feeder designed for the specific purpose of feeding birds. Any accumulation of feed spilled onto the ground or surfaces from hanging feeders shall be removed by the person or property owner daily to reduce the attractant for wild animals. See Sec. 14-118 below for the type and number of birdfeeders allowed.
- (d) If there is rodent activity at the residence that is providing the feed or any adjacent property, the Village has the right to require removal of the feeders until the activity has ceased.
- (e) If it becomes known that deer are accessing a person's birdfeeder(s), efforts must be made by that person to prevent further feeding of deer at the birdfeeder. If such efforts are unsuccessful and deer are still seen accessing the birdfeeder(s), the birdfeeder(s) must be removed.

Sec. 14-118. Restrictions on birdfeeders.

- (1) No more than four (4) hanging birdfeeders, two (2) suet birdfeeders, two (2) water sources, and one (1) platform birdfeeder is allowed per premises.
- (2) No birdfeeder shall have a base area exceeding 400 square inches. Feeders must be designed to minimize any nuisance, including but not limited to excessive spillage of feed.
- (3) All birdfeeders must be located at least five (5) feet inside property lines.
- (4) Unused food products, food waste, and animal droppings shall not be allowed to accumulate and become foul, putrid, or offensive in odor or an attractant to rodents, vermin or insects.

- (5) For platform feeders, a maximum total of one (1) pound of feed shall be present on any platform type feeder and a minimum one-inch high lip shall encompass all platform feeders. All unused food products shall be removed from platform feeders prior to sunset each day unless such feeder is designed with a tightly closing cover to prevent access. Platform feeders designed with such a cover shall be covered prior to sunset each day.

Sec. 14-119. Penalty.

Any person who violates any part of this Article on more than one occasion shall be fined. Please refer to Appendix E for all related penalties.

SECTION 2: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 3: That this Ordinance be in full force and effect after its passage, approval and publication as provided by law.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 5: That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED: This 28th day of March, 2023
YEAS: 4 Alpogianis, Matyas, Niedermaier, Strzelecki
NAYS: 0
ABSENT: 1 Jekot
ABSTAIN: 0

APPROVED by me this 28th day of March, 2023.



President of the Village of Niles
Cook County, Illinois

ATTESTED AND FILED in my office this 28th day of March, 2023, and published in pamphlet form as provided by law in the Village of Niles, Illinois.



Village Clerk