

COTTAGE CITY COMMISSION

TOWN OF COTTAGE CITY

ORDINANCE NO. 2026 -03

AN ORDINANCE OF THE TOWN OF COTTAGE CITY AMENDING CHAPTER 1 (ANIMALS AND FOWL) OF THE CODE OF THE TOWN OF COTTAGE CITY TO PROHIBIT THE FEEDING OF WILDLIFE, INCLUDING VULTURES; TO DECLARE SUCH FEEDING A PUBLIC NUISANCE; TO PROVIDE LIMITED EXEMPTIONS FOR SONGBIRDS, POLLINATORS, AND SQUIRRELS; TO ESTABLISH A SCHEDULE OF FINES AND ENFORCEMENT PROCEDURES; TO AUTHORIZE MODIFICATION OF SAID FINES BY WRITTEN RESOLUTION; AND GENERALLY RELATING TO THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE

Introduced By: The Cottage City Commission

WHEREAS, pursuant to Section 18 of the Town Charter, the Cottage City Commission has the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the Town; and

WHEREAS, Section 18 of the Town Charter further grants the Commission authority to protect and preserve the health of the Town and its inhabitants, to prevent and remove all nuisances, and to inspect, regulate, and abate any places which cause or may cause unsanitary conditions or conditions detrimental to health; and

WHEREAS, Title 6 of the Local Government Article of the Annotated Code of Maryland authorizes a municipality to declare the violation of an ordinance to be a municipal infraction and to establish a fine not exceeding the maximum provided by State law; and

WHEREAS, Chapter 1 of the Town Code already regulates animals kept within the Town so that such animals will not be or become a public nuisance, and Chapter 4 of the Town Code declares conditions that are dangerous to life or health, that foul the air, or that produce accumulations of animal matter harmful to the neighborhood to be public nuisances; and

WHEREAS, the intentional or habitual feeding of wildlife, and in particular turkey vultures (*Cathartes aura*) and black vultures (*Coragyps atratus*), causes wildlife to congregate in residential areas, produces accumulations of droppings and regurgitated or decaying food, damages roofs, vehicles, and other property, generates offensive odors, attracts vermin, and creates unsanitary conditions that threaten the public health, safety, and welfare; and

WHEREAS, the Town has received numerous complaints concerning the feeding of vultures by a resident within the Town, and the Commission finds that existing Code provisions do not adequately prohibit or deter the feeding of wildlife or the placement of food attractants; and

WHEREAS, the Commission finds that a limited exemption for the feeding of songbirds and other common backyard birds, invertebrate pollinators, and squirrels is consistent with ordinary residential use, provided such feeding is conducted so as not to attract vultures or other prohibited wildlife or to create a public nuisance; and

WHEREAS, turkey vultures and black vultures are federally protected migratory birds under the Migratory Bird Treaty Act, and nothing in this Ordinance is intended to authorize the trapping, taking, killing, or relocation of any protected bird or its nest or eggs except as permitted by federal and State law; and

WHEREAS, the Cottage City Commission finds that it is in the best interest of the Town and the general public's health, safety, and welfare to prohibit the feeding of wildlife within the Town, to prescribe fines based on the nature and repetition of the violation, and to provide for prompt abatement of food attractants.

SECTION 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COTTAGE CITY COMMISSION, that the Code of the Town of Cottage City is hereby enacted, adopted, revised and amended such that Chapter 1 (Animals and Fowl) thereof shall be amended by adding a new (replacement) Section 1-15 (Feeding of wildlife prohibited) to read as follows (the entire new Section 1-15 (Feeding of wildlife prohibited) below shall be inserted into the Town Code and the existing Section 1-15 (Violations and penalties) shall be renumbered as Section 1-16; the "****" indicates matter within the Code that is omitted herein but shall remain in the Code):

CHAPTER 1 ANIMALS AND FOWL

* * *

§ 1-15. Feeding of wildlife prohibited.

A. Purpose and findings.

The purpose of this section is to protect the public health, safety, and welfare, to prevent public nuisances, to reduce property damage, and to discourage the unnatural congregation of wildlife, including vultures, in residential and public areas of the Town. The Commission finds that the feeding of wildlife, and especially the feeding of vultures with meat, carcasses, offal, or other animal products, is detrimental to the animals themselves, interrupts natural foraging behavior, concentrates birds and other wildlife at artificial feeding sites, increases the risk of disease transmission, fouls property with droppings and decaying matter, and constitutes a public nuisance.

B. Definitions.

As used in this section, the following words have the meanings indicated:

- (1) **“Attractant”** means any substance, material, or device which could reasonably be expected to feed or attract wildlife, or which does in fact attract wildlife, including but not limited to food products, meat, fish, carcasses, offal, bones, table scraps, bread, grain, seed scattered upon the ground, pet food, suet left accessible to vultures or other prohibited wildlife, garbage, and compost that is not maintained in a closed, wildlife-resistant container.
- (2) **“Feed” or “feeding”** means to give, place, expose, deposit, scatter, distribute, or otherwise make available any edible material with the intent of feeding, attracting, or enticing wildlife, or under circumstances in which a reasonable person would know that wildlife is likely to consume the material. Feeding does not include baiting in the legal taking of fish or game as authorized by State law.
- (3) **“Person”** means any individual, firm, partnership, association, corporation, company, or other entity, and includes an owner, occupant, tenant, or person in control of real property.
- (4) **“Pollinator”** means an invertebrate that transfers pollen, including bees, butterflies, moths, beetles, and similar insects.
- (5) **“Songbird or other backyard bird”** means a common backyard or perching bird of the orders Passeriformes, Piciformes, or Columbiformes, including but not limited to chickadees, cardinals, finches, wrens, woodpeckers, doves, and similar species, but excluding vultures, waterfowl, gulls, pigeons kept as domestic fowl, crows when concentrated as a nuisance flock, and birds of prey.
- (6) **“Squirrel”** means an eastern gray squirrel or other tree squirrel commonly found in the Town. The term does not include groundhogs, rats, mice, raccoons, opossums, or other wildlife.
- (7) **“Vulture”** means any bird of the family Cathartidae, including the turkey vulture and the black vulture, whether migratory, resident, or transient.
- (8) **“Wildlife”** means any animal that is not a domesticated animal as defined in this chapter, including but not limited to vultures, other wild birds, deer, foxes, raccoons, opossums, groundhogs, rats, mice, feral cats, and aquatic life. Wildlife does not include a lawfully kept pet that is confined to the owner’s premises or under restraint.

C. Prohibition.

- (1) Except as provided in Subsection F of this section, no person shall feed, cause to be fed, or provide food or any attractant for wildlife on any public or private property within the corporate limits of the Town.
- (2) No person shall place, deposit, scatter, or allow to remain outdoors any meat, fish, carcass, offal, bones, raw or cooked animal product, or pet food for the purpose of feeding vultures or other wildlife, or under circumstances in which vultures or other wildlife are known or reasonably expected to consume the material.

(3) No person shall maintain an outdoor condition that functions as a continuing food source for vultures or other prohibited wildlife, including uncovered garbage, unsecured compost containing food waste, or the repeated placement of edible material on the ground.

(4) The feeding of vultures is expressly declared to be a public nuisance and is prohibited without exception under Subsection F of this section.

D. Presumptions.

There is a rebuttable presumption that the following are for the purpose of feeding wildlife and are prohibited:

- (1) The placement of any attractant edible by wildlife on the ground or at a height of less than five (5) feet above the ground, other than an activity specifically permitted by Subsection F;
- (2) The placement of any attractant in a drop feeder, automatic feeder, platform feeder on or near the ground, or similar device that is accessible to vultures or other prohibited wildlife;
- (3) The placement outdoors of meat, fish, carcasses, offal, bones, or pet food; and
- (4) The continued presence of an attractant after wildlife, including vultures, has been observed feeding upon it.

E. Duty to remove attractants; notice.

- (1) A person who is observed feeding wildlife in violation of this section shall be directed to cease the feeding immediately.
- (2) Any property owner, occupant, or person in control of property shall remove any attractant, food, carcass, or device placed or allowed on the property in violation of this section within forty-eight (48) hours after written or posted notice from the Town, the Town Police Department, or a Code Enforcement Officer.
- (3) Alternatively, the person may modify a device or make other changes reasonably necessary to prevent wildlife other than songbirds, pollinators, or squirrels, as permitted by Subsection F, from having access to the device. Failure to remove the attractant or make the required modification within forty-eight (48) hours of notice shall constitute a separate violation of this section.
- (4) Each day that a violation continues after the expiration of the notice period shall constitute a separate and distinct offense.

F. Exemptions.

This section does not apply to:

- (1) Naturally growing materials, including fruits, nuts, seeds, vegetables, or other vegetation growing in place, and stored crops that are not intentionally made available to wildlife for feeding;

- (2) Feeders used solely to provide food to domestic animals or lawfully kept pets, provided the food is not left unattended outdoors in a manner accessible to wildlife and leftover food is removed the same day;
- (3) Maintaining a bird feeder, or otherwise feeding songbirds or other backyard birds, provided that:
 - (a) The feeder is designed and placed so that wildlife other than songbirds, including vultures, has a difficult time feeding from it;
 - (b) The feeder and the area beneath it are maintained in a reasonably clean condition and spilled or spoiled seed is not allowed to accumulate on the ground;
 - (c) The feeder does not become an attractant for vultures or other prohibited wildlife; and
 - (d) No meat, fish, carcass, offal, or pet food is used;
- (4) Maintaining a feeder or planting for invertebrate pollinators, provided the activity does not become an attractant for vultures or other prohibited wildlife;
- (5) Feeding squirrels on private property, provided that:
 - (a) Food is limited to nuts, seeds, corn, or commercially prepared squirrel food, and does not include meat, fish, carcasses, offal, bones, bread in bulk, table scraps, or pet food;
 - (b) Food is placed in a quantity not greater than reasonably necessary for squirrels on the premises and is not scattered indiscriminately upon the ground in a manner that attracts vultures or other prohibited wildlife;
 - (c) Uneaten food is not allowed to accumulate or spoil; and
 - (d) The activity does not become an attractant for vultures or other prohibited wildlife;
- (6) Feeding conducted by a licensed wildlife rehabilitator, animal control agency, or public official in the performance of official duties, or feeding expressly authorized in writing by the Town as part of a trap-neuter-return or similar program approved by the Town; and
- (7) An activity that the Town has not ordered to cease, but any activity listed in this Subsection F may be ordered stopped if the Town determines that the activity constitutes an attractant for vultures or other prohibited wildlife or otherwise creates a public nuisance. Failure to cease after such an order shall constitute a violation of this section.

G. Public and private property.

The prohibitions of this section apply to all public property within the Town, including streets, sidewalks, parks, and Town-owned land, and to all private property within the Town. No person shall feed wildlife on private property belonging to another without the consent of the owner, and such consent shall not authorize a violation of this section.

H. Enforcement.

This section shall be enforced by officers of the Cottage City Police Department, the Town Manager or the Town Manager's designee, and Town Code Enforcement Officers. An enforcement officer may enter upon public property and, to the extent permitted by law, upon private property to inspect for violations, to issue a direction to cease feeding, to post or deliver notice to remove an attractant, and to issue a municipal infraction citation.

I. Violations and fines.

(1) A violation of this section is a municipal infraction. Each incident of feeding and each day a prohibited attractant remains after the notice period provided in Subsection E is a separate and new offense.

(2) Unless otherwise provided, any person who violates this section shall be fined as follows for each offense:

#	VIOLATION	FINE
1	Feeding of vultures — first offense	\$150.00
2	Feeding of vultures — each subsequent offense	\$300.00
3	Feeding of other wildlife (not vultures) — first offense	\$75.00
4	Feeding of other wildlife (not vultures) — each subsequent offense	\$150.00
5	Failure to cease feeding when directed	\$150.00
6	Failure to remove attractant or device within 48 hours of notice — each day	\$100.00 / day
7	All other violations of this section	\$75.00

(3) A subsequent offense is a violation of this section occurring after a prior violation by the same person, whether or not the prior violation occurred at the same location, within a period of twenty-four (24) months.

(4) The fines established by this section are in addition to any cost of abatement incurred by the Town and any other remedy available at law or in equity. The Town may abate a continuing violation as a public nuisance in the manner provided in Chapter 4 of this Code, and the cost thereof may be charged to the person responsible and collected as provided by law, including as a charge against the property.

(5) Nothing in this section shall be construed to authorize any person to trap, take, kill, harass, or relocate a vulture or other federally or State-protected bird, or to disturb its nest or eggs, except pursuant to a valid permit issued by the United States Fish and Wildlife Service and any required State authorization.

J. Modification of fines by resolution.

The Cottage City Commission is authorized to change, amend, or modify any individual fine or any fine schedule prescribed by this section by written resolution, provided said resolution is published at least thirty (30) days in advance in the Town newsletter or in a newspaper of general circulation in the Town.

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SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED, that Section 1-2 of Chapter 1 of the Code of the Town of Cottage City is hereby amended by adding the defined terms set forth in Section 1-15.B of this Ordinance, to the extent such terms are not already defined, which terms shall apply throughout Chapter 1 unless the context clearly requires otherwise.

SECTION 3.

AND BE IT FURTHER ORDAINED AND ENACTED, that the feeding of wildlife in violation of Section 1-15 is additionally declared to be a public nuisance within the meaning of Chapter 4 (Health and Nuisances) of the Town Code, and the abatement procedures of Chapter 4 may be used in addition to the penalties provided in Section 1-15.

SECTION 4.

AND BE IT FURTHER ORDAINED AND ENACTED, that severability is intended throughout and within the provisions of this Ordinance, and if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5.

AND BE IT FURTHER ORDAINED AND ENACTED, that Section 1 of this Ordinance shall be codified and included within Chapter 1 of the Code of the Town of Cottage City.

SECTION 6.

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall become effective twenty (20) days following its passage.

SECTION 7.

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this Ordinance shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the Town, and a fair summary of this Ordinance shall be published at least once within ten (10) days after the date of passage in a newspaper or newspapers having general circulation in the Town.

SECTION 8.

AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioner-Chair shall be authorized to sign this Ordinance on behalf of the Commission.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as a regular ordinance and passed by a ye and nay vote of the Cottage City Commission with the affirmative votes of a majority of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of

TOWN OF COTTAGE CITY, MARYLAND

Ordinance No. 2026-03 First Reading Draft • October 2026 Work Session

Cottage City held on this _____ day of _____, 2026, at 7 o'clock p.m., in the Town Hall in Cottage City, Maryland.

I HEREBY CERTIFY that the above Ordinance No. 2026-_____ was passed by the required ye and nay votes of the Cottage City Commission on the _____ day of _____, 2026.

ATTEST:

TOWN OF COTTAGE CITY, MARYLAND

John Hoatson, Town Manager

Wanda Wheatley, Ward 3, Commissioner-Chair

Julia Salsich, Ward 1, Commissioner-Secretary

Joshua Durant, Ward 2, Commissioner

Tom Campos, Ward 4, Commissioner Vice-Chair

John Brooks, At-Large, Commissioner

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the _____ day of _____, 2026, with _____ Aye votes and _____ Nay votes, the aforesaid Ordinance 2026-_____ passed.

John Hoatson, Town Manager

FAIR SUMMARY

This Ordinance amends Chapter 1 (Animals and Fowl) of the Code of the Town of Cottage City by adding new Section 1-15 and renumbering old Section 1-15 as 1-16, which prohibits the feeding of wildlife within the Town, with particular application to the feeding of vultures; declares such feeding a public nuisance; permits limited feeding of songbirds, pollinators, and squirrels under specified conditions; requires removal of food attractants within forty-eight hours of notice; and establishes municipal infraction fines of \$150 / \$300 for feeding vultures, \$75 / \$150 for feeding other wildlife, \$150 for failure to cease when directed, and \$100 per day for failure to remove an attractant after notice. The Ordinance takes effect twenty days after passage.