

ORDINANCE NO. 18-_____

AN ORDINANCE AMENDING SECTION 102 (DEFINITIONS) AND CREATING NEW SECTION 121 (LIMITATIONS ON FEEDING OF WILDLIFE) OF ARTICLE 7 (REGULATIONS OF ANIMALS – GENERAL PROVISIONS) OF CHAPTER 6 (NEIGHBORHOOD VITALITY / COMMUNITY HEALTH) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO FEEDING WILDLIFE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 102 (Definitions) of Article 7 (Regulations of Animals – General Provisions) of Chapter 6 (Neighborhood Vitality / Community Health) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

6.7.102: DEFINITIONS:

* * *

FEED or FEEDING: To place, deposit, distribute or scatter grain, hay, minerals, salt, or other foods for consumption. Feeding does not include landscape elements.

* * *

WILDLIFE: Any undomesticated animal species including but not limited to bear, skunks, raccoon, wolf, coyote, fox, deer, elk, moose, or antelope. Wildlife does not include animals raised as livestock, domesticated pets, or birds.

Section 2. A new Section 121 (Limitations on Feeding of Wildlife) of Article 7 (Regulations of Animals – General Provisions) of Chapter 6 (Neighborhood Vitality / Community Health) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

6.7.121 LIMITATIONS ON FEEDING OF WILDLIFE

A. It shall be a noncriminal civil infraction for a person, without authorization, to feed any wildlife within the City.

B. No person shall be subject to prosecution under this Section unless, within six (6) months immediately preceding the date of the alleged violation, such person has been issued either (1) a written warning stating that such feeding is prohibited by the provisions of this Section, or (2) a citation for an alleged violation of this Section.

C. The provisions of this Section shall not apply to animals in the possession and control of an animal shelter, bird rescue, accredited zoo, education center or any other facility licensed, administered or under contract by the state or federal government, or any political subdivision thereof.

D. The warning process shall be as follows:

1. A written warning pursuant to subsection B of this section will be issued if, upon investigation, it is established that there is one witness to the feeding of wildlife. The complaining witness may be relied upon as a witness in meeting this requirement.

2. The warning shall be sufficient if it cites this section, states that a complaint has been received, that the person has been witnessed feeding wildlife, identifies the date and time of the feeding of wildlife, identifies the witness to the feeding of wildlife and identifies the location of wildlife feeding within the City limits.

3. A warning shall be sufficient if it is posted on the subject premises.

4. After a warning is issued, the offending condition shall be cured within 24 hours.

5. The City shall keep records of all warnings given and the records shall be prima facie evidence that the warnings were given.

Section 3. Any person convicted of violating Section 121 (Limitations on Feeding of Wildlife) of Article 7 (Regulations of Animals – General Provisions) of Chapter 6 (Neighborhood Vitality / Community Health) shall be punished as provided in Section 104 (Right to Trial by Jury; Jail; Exceptions) of Part 1 (Trial By Jury) of Article 4 (Jury Provisions) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended.

Section 4. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 5. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2018.

Finally passed: _____
Council President

DRAFT

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk