



## Legislation Details (With Text)

<b>File #:</b>	18-0536	<b>Version:</b>	2	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Mayor's Office	
<b>File created:</b>	10/12/2018	<b>In control:</b>		City Council	
<b>On agenda:</b>	11/27/2018	<b>Final action:</b>		11/27/2018	
<b>Title:</b>	Ordinance No. 18-115 amending Section 104 (Right to Trial by Jury; Jail; Exceptions) of Part 1 (Trial by Jury) of Article 4 (Jury Provision) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended, pertaining to jury trial eligibility regarding Limitations on Feeding of Wildlife				
	Presenter: Bret Waters, Deputy Chief of Staff				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. FeedingWildlife-PenaltiesCh11ORD-2018-10-15, 2. Signed Ordinance 18-115

Date	Ver.	Action By	Action	Result
11/27/2018	1	City Council	finally passed	Pass
11/13/2018	1	City Council	approved on first reading	Pass
10/22/2018	1	Council Work Session	referred	

Ordinance No. 18-115 amending Section 104 (Right to Trial by Jury; Jail; Exceptions) of Part 1 (Trial by Jury) of Article 4 (Jury Provision) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended, pertaining to jury trial eligibility regarding Limitations on Feeding of Wildlife

### Presenter:

Bret Waters, Deputy Chief of Staff

### Summary:

As part of an on-going effort to curtail the urban wildlife feeding problem and reinforce State law banning the feeding of wildlife, this change to City Code section 11.4.104 will provide penalties to individuals who are convicted of feeding wildlife. This Code change is a companion ordinance to the proposed additions to City Code sections 6.7.101 and 6.7.121 which would prohibit the feeding of wildlife. This ordinance amendment excludes the Limitations on Feeding of Wildlife ordinance from the list of jury triable offenses and upon a conviction results in potential penalties of up to a \$500.00 fine, a sentence of probation (including the possibility of community service), or a combination thereof.

### Previous Council Action:

N/A

**Background:**

Colorado Parks and Wildlife notified City Council in the fall of 2017 that the feeding of the urban deer population was contributing to the overpopulation of deer within City limits and creating a dangerous environment for both wildlife as well as residents. Colorado Parks and Wildlife recommended action be taken to curtail this activity. Councilmembers Knight, Pico, and Bennett requested a code change to discourage residents from feeding wildlife. In order to create a new non-jury triable offense, Chapter 11 must be amended to specifically include the applicable code section.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

N/A

**Alternatives:**

Council could choose to not adopt the proposed ordinance or amend the desired penalties.

**Proposed Motion:**

Move to adopt an ordinance amending Section 104 (Right to Trial by Jury; Jail; Exceptions) of Part 1 (Trial by Jury) of Article 4 (Jury Provision) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended, pertaining to jury trial eligibility regarding Limitations on Feeding of Wildlife.

Section 6.7.121, "Limitations on Feeding of Wildlife" will be included in Chapter 11 as a civil, non-criminal offense and therefore not eligible for jury trial.