

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE 02-###

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I, ADDING SECTION 6-21 TO THE CODE OF THE INCORPORATED COUNTY OF LOS ALAMOS PROHIBITING THE FEEDING OF ~~WATERFOWL AND~~ WILD ANIMALS

WHEREAS, the feeding of wild animals increases the potential for damage to public parks and private property; and

WHEREAS, the feeding of wild animals elevates the potential for the spread of disease in people and companion animals; and

~~WHEREAS, the feeding of wild animals attracts these animals to more populated areas, leading to vehicle collisions; and~~

WHEREAS, wildlife studies have shown that feeding wild animals can interrupt their normal migration patterns, ~~can~~ make wild animals more aggressive in demanding food, cause nutritional problems, expose them to danger by eliminating their natural fear of predators and humans and promote the spread of diseases and disease-carrying parasites; and

WHEREAS, the Council of the Incorporated County of Los Alamos finds that the health, safety, and welfare of the community and its wildlife is protected by prohibiting the feeding of wild animals on public and private property within the boundaries of the Incorporated County of Los Alamos.

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, as follows:

Section 1. Section 6-21 Feeding of Wild Animals Prohibited is added as follows:

Sec. 6-21. Feeding of Wild Animals Prohibited

(a) Purpose. The intent of this Section is to protect the health, safety, and welfare of the community and its wildlife by prohibiting the feeding of wild animals on public and private property within the boundaries of the Incorporated County of Los Alamos. The feeding of wild animals increases the potential for damage to public parks and private property. It also elevates the potential for the spread of disease in people and companion animals. In addition, it is the intent of this Section to protect the welfare of wild animals themselves. Wildlife studies have shown that feeding wild animals can interrupt their normal migration patterns, ~~can~~ make them more aggressive in demanding food, cause nutritional problems, expose them to danger by eliminating their natural fear of predators and humans and promote the spread of diseases and disease-carrying parasites.

(b) Definitions.

As used in this Section, the following terms shall have the meanings indicated:

Feed. To give, place, expose, deposit, distribute or scatter any edible material which is intended to ~~can~~ be utilized for consumption by wild animals. Feeding does not include baiting for the legal taking of fish and/or game.

Person. Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to county jurisdiction.

Wild Animal. Any animal that is wild by nature and cannot normally be domesticated or controlled; including any animal regulated by the New Mexico Department of Game, the United States Fish and Wildlife, and/or the United States Department of Agriculture, including but not limited to bears, coyotes, bobcats, cougars, deer, ~~feral cats,~~ foxes, groundhogs, squirrels, chipmunks, mice, ~~rats,~~ rabbits, ~~opossums,~~ raccoons, skunks, ~~but does not include songbirds and other common birds for purposes of this Ordinance.~~

(c) Prohibitions.

No person shall purposely or knowingly, feed or in any manner provide access to food to any wild animal within the corporate limits of the county, on lands either publicly or privately owned. Feeding does not include baiting in the legal taking of fish and/or game.

(d) Exception.

Purposely and knowingly feeding songbirds or other common birds by any means, including the use of birdfeeders shall not constitute a violation of this ordinance.

~~(d)~~ (e) Violation and Enforcement.

Any violation of the prohibitions in this Section is unlawful and shall be subject to a fine of not less than \$25 ~~and~~ for the first violation and not less than \$100 or more than \$750 for the second and each subsequent violation. ~~Each ongoing day of the violation(s) shall constitute a separate offense. In addition to the financial penalties so provided.~~

Section 2. Effective Date. This Ordinance shall become effective _____, 202~~5~~3.

Section 3. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this ___ day of _____ 202~~5~~3.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

Council Chair

ATTEST: (SEAL)

Los Alamos County Clerk

DRAFT