

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

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I, ADDING SECTION 6-22 TO THE CODE OF THE INCORPORATED COUNTY OF LOS ALAMOS PROHIBITING THE FEEDING OF WATERFOWL AND WILD ANIMALS

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

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

WHEREAS, wildlife studies have shown that feeding waterfowl and wild animals can interrupt their normal migration patterns, can make wild animals and waterfowl 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 waterfowl and 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 6-22 Feeding of Wild Animals Prohibited is added as follows:

Sec. 6-22. 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 waterfowl and wild animals on public and private property within the boundaries of the Incorporated County of Los Alamos. The feeding of waterfowl and other 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 the waterfowl and wild animals themselves. Wildlife studies have shown that feeding waterfowl and 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:

Bird Feeder. A container, receptacle or apparatus designed for the feeding of songbirds or other backyard birds.

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

Waterfowl. Wildfowl of the order Anseriformes, especially members of the family Anatidae which includes any bird that swims, frequents the water, or lives around rivers, lakes, or other bodies of water, including but not limited to ducks, geese, swan and gulls.

(c) Prohibitions.

- (1) No person shall purposely or knowingly, feed or in any manner provide access to food for any wild animal or waterfowl 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.
- (2) Feeding of songbirds and other backyard birds, not including waterfowl, shall be permitted outdoors at such times and in such a manner that:
 - a. The feeding does not create an unreasonable disturbance with wildlife;
 - b. Any feed must be placed within a bird feeder with a maximum volume of not more than one cubic foot, placed at least four feet above ground; and
 - c. Bird feeders are placed where wildlife other than songbirds and backyard birds are unable to eat from them and do not become an attractant for wild animals.

(d) 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 or more than \$100 for the first violation and not less than \$100 or more than \$500 for the second and each subsequent violation. Each ongoing day of the violation(s) shall constitute a separate offense.

Section 6-23 – 6-50 reserved

Section 2. Effective Date. This Ordinance shall become effective _____, 2023.

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 _____ 2023.

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

_____,
Council Chair

ATTEST: (SEAL)

_____,
Los Alamos County Clerk

DRAFT