

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, REVISING TITLE 6.04, "ANIMAL SERVICES" OF THE POCATELLO MUNICIPAL CODE, MORE PARTICULARLY BY AMENDING SECTION 6.04.010 "DEFINITIONS" TO INCORPORATE ADDITIONAL DEFINED TERMS AND ADDING SECTION 6.04.260 "FEEDING/ATTRACTING WILDLIFE PROHIBITION" PROHIBITING CITIZENS FROM INTENTIONALLY OR KNOWINGLY FEEDING OR ATTRACTING WILDLIFE WITHIN CITY LIMITS; PROVIDING THAT ALL OTHER SECTIONS OF TITLE 6.04 NOT HEREIN AMENDED SHALL REMAIN IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, there are certain neighborhoods in the City of Pocatello which are located in Urban Wildland Interface zones. Those zones being described as areas where wildlands and its wildlife meet and overlap in an urban setting; and

WHEREAS, for several years, individuals in these areas have raised various concerns to both City officials and the Idaho Department of Fish and Game (IDFG) regarding the wildlife in the area; and

WHEREAS, identifying and implementing possible solutions to the challenges urban wildlife present requires a group effort involving IDFG and other local municipalities and partners as well as the public; and

WHEREAS, wildlife feeding has been identified as a practice that can lure animals across busy roadways, increasing the potential for wildlife-vehicle collisions and endangering both wildlife and motorists; and

WHEREAS, wildlife feeding can also lure animals onto neighboring private properties, contributing to unwanted property damage caused by wildlife or increasing potential for conflicts among domesticated animals, people, and wildlife on these private properties; and

WHEREAS, wildlife feeding can draw predatory wildlife to locations where their prey are congregating around feed sites established by people; and

WHEREAS, feeding sites and activities can cause wildlife to unnaturally congregate which has the potential to increase the spread of wildlife diseases if present; and

WHEREAS, wildlife feeding habituates wildlife to people, sometimes creating dangerous interactions between people and wildlife or between domesticated animals and wildlife; and

WHEREAS, wildlife feeding can be detrimental to the health of wildlife due to specific dietary requirements of wild animals; and

WHEREAS, the Urban Wildlife Taskforce (composed of members of the public) has met with City Council to discuss the various concerns and recommend solutions, including a wildlife feeding ordinance, to reduce the number of wildlife or wildlife conflicts within City limits; and

WHEREAS, the City Council has determined it would be in the best interests of the citizens of the City of Pocatello to enact an ordinance addressing these issues.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF POCATELLO AS FOLLOWS:

Section 1: That Pocatello Municipal Code 6.04.010 “Definitions” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be hereby amended to read as follows:

6.04.010: DEFINITIONS:

ANIMAL SERVICES OFFICER: Any person(s) employed by the city to administer and enforce the licensing, inspection, and enforcement requirements contained within this chapter.

ATTRACTING/ATTRACTANT: Any substance, including but not limited to food, garbage, or salt/mineral/protein lick, which draws wildlife (except those birds and squirrels as identified in 9.37.020 C).

AT LARGE: An animal that is off the premises of the owner, and not on a leash ten feet (10”) or less in length, or confined in a motor vehicle. In the case of a dangerous animal “at large” means not confined or leashed as required in section 6.04.060 of this chapter.

BIG GAME: Any wild mammal or potentially habituated mammal listed in the *Idaho Big Game Seasons and Rules* published annually by IDFG (e.g. mule deer, white-tailed deer, elk, pronghorn, black bear, mountain lion, and wolf) and any IDFG trophy species as identified in the *Moose, Bighorn Sheep and Mountain Goat Seasons and Rules* published annually by IDFG.

BIRDS: Any non-domesticated species belonging to the Order Aves other than Waterfowl and Wild Turkeys.

DOG PARK: A defined area set aside for dogs which have not been convicted of being dangerous as defined in this section to exercise and play off lease in a controlled environment under the supervision or their owners/custodians, and subject to posted rules and to the provisions of this code.

EDIBLE MATERIAL: Any human or animal food, food bi-product, salt/mineral/protein lick, organic material, refuse, or garbage.

FEEDING/FEED: A substance composed of grain, mineral, protein, salt, fruit, vegetable, hay, or any other food material or combination of these edible materials, whether natural or manufactured, tended, deposited, or distributed in an area frequented and consumed by wildlife (except those birds and squirrels as identified in 9.37.020 C).

HABITUATED: Any wildlife relatively accustomed to eating, resting, birthing, defecating, and otherwise living within city limits - outside of their normally wild habitat. Habituated wildlife may actually cease exhibiting some typical behaviors for that species (e.g. resident deer which do not migrate, mountain lions which den under human structures like porches, etc.).

OWNER: Any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal for five (5) or more consecutive days, or which child, or other person over whom guardianship is exercised, who resides with said person, so harbors or keeps an animal.

PUBLIC EMPLOYEE: Any State or City Employee or certified Peace Officer appointed to carry out and enforce each entity’s respective ordinances.

RESEARCH FACILITY: Any college, university, or other research institution which uses live animals in research, tests, or experiments.

TREE SQUIRRELS: Any of the commonly found squirrel species (native or non-native) within Pocatello City limits which are typically associated with native habitats or urban landscapes. Ex. Red Squirrel, Eastern Fox Squirrel, Eastern Gray Squirrel, etc.

WATERFOWL: Any wild or habituated migratory bird species of the taxonomic Order Anseriformes, Family Anatidae (ducks, geese, swans).

WILD TURKEY: Those species or subspecies of turkey as identified in the *Upland Game, Furbearer, and Turkey Seasons and Rules*.

WILDLIFE: Any species of non-domesticated animals, such as: deer, moose, elk, pronghorn, black bear, mountain lion, wolf, coyote, fox, raccoon, skunk, wild turkey, waterfowl, etc. Birds (other than Wild Turkeys and Waterfowl) and tree squirrels are not considered wildlife under the definitions of this ordinance.

Section 2: That a new Section 6.04.260 “Feeding/Attracting Wildlife Prohibition”, of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be hereby enacted to read as follows:

6.04.260: FEEDING/ATTRACTING WILDLIFE PROHIBITION:

A. It is unlawful for any person to intentionally or knowingly feed or attract wildlife (wild or habituated) except those birds and squirrels as allowed in 6.04.260.C. by placing, depositing, distributing, storing, or scattering food, edible material, garbage, or other attractant, with the intent to lure, attract, entice, or feed wildlife.

B. Applicability: This ordinance applies to all areas within the City of Pocatello.

C. Exceptions: This ordinance does not apply to:

1. Public employees or their authorized agents acting pursuant to State of Idaho wildlife management plans or acting within the scope of their authority for the Public Safety of Big Game Management/Wildlife purposes, or conducting authorized emergency winter feeding operations, or otherwise carrying out authorized baiting, feeding, or trapping activities in accordance with wildlife management practices.
2. Any authorized facilities/individuals acting pursuant to State of Idaho and City of Pocatello permits and licenses responsible or charged with the care of wildlife (i.e. zoos, rehab facilities, or authorized and licensed wildlife rehabilitators).

3. Edible material located in a residence, closed vehicle, fully enclosed storage structure, or in an enclosed trash container.
4. A person feeding their own domestic animals including dogs, cats, chickens, horses, and livestock or a person feeding their own domestic waterfowl, pheasants, chukars, turkeys, and other animals as allowed by the Idaho Department of Agriculture rules and with the appropriate permits, if necessary.
5. Seeds, nectar, and other material in feeders elevated at least five (5) feet above the ground for birds (other than Wild Turkey and Waterfowl) or tree squirrels placed specifically to attract wild birds (other than Wild Turkey and Waterfowl) or tree squirrels.
6. Ornamental plants, vegetable gardens, fruit-bearing trees, flower gardens, lawn, naturally growing vegetation (both native and non-native species), native vegetation species intentionally cultivated, and the part of those plants or trees and the fruit/berries that fall to the ground from them.
7. Compost piles that are fully contained and made inaccessible to wildlife.
8. Persons who are engaged in a lawful trapping activity allowing edible bait with all appropriate licenses and/or permits from IDFG and according to both State of Idaho and City of Pocatello rules and regulations for such trapping activity. Activities include lawful recreational trapping of wildlife and lawful trapping of nuisance wildlife by both public and authorized agents of the State of Idaho, the City of Pocatello, and US Department of Agriculture Wildlife Services.

D. Enforcement: A City of Pocatello Animal Control officer, a Pocatello Police Officer, or any other State of Idaho certified Peace Officer may investigate and issue a warning or citation for a violation of this ordinance.

E. Penalties: Any violation of this ordinance is an Infraction, punishable by a fine of \$100.00 and subject to the provisions of Pocatello Municipal Code 1.04.040.

Section 3: That all other provisions of Chapter 6.04 “Animal Services” shall remain in full force and effect.

BE IT FURTHER ORDAINED THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

PASSED AND APPROVED this ____ day of _____, 2020.

CITY OF POCA TELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH NEWSOM, City Clerk