

Board of Supervisors

Richard R. Searle
Chairman
District 3

Patrick G. Call
Vice-Chairman
District 1

Paul Newman
District 2



Michael J. Ortega
County Administrator

James E. Vlahovich
Deputy County Administrator

Katie A. Howard
Clerk

RESOLUTION 08-06

A RESOLUTION OF THE COCHISE COUNTY BOARD OF SUPERVISORS ADOPTING AN ORDINANCE REGULATING CONTACT BETWEEN WILDLIFE AND HUMANS WITHIN COCHISE COUNTY IN AN EFFORT TO PROTECT THE WELFARE AND SAFETY OF THE PUBLIC

WHEREAS, by Arizona Revised Statutes Title 17, the Arizona Game and Fish Commission is established and tasked with the responsibility to manage wildlife in Arizona; and

WHEREAS, the Board of Supervisors, pursuant to A.R.S. § 11-251.31, may make and enforce all local, police and sanitary regulations not in conflict with general law; and the issue of humans feeding wildlife and leaving human food and garbage available for wildlife has created and continues to create public safety concerns; and

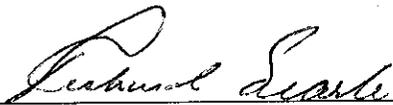
WHEREAS, the frequency of wildlife/human public safety conflicts within Cochise County are escalating and pose a potential threat to the welfare and safety of the public; and

WHEREAS, the attraction of javelina, a primary prey animal for mountain lions, tends to attract mountain lions into the communities where these animals are being fed, and mountain lions are predators that have harmed humans in our state in the past by predatory attacks; and

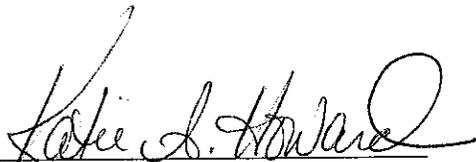
WHEREAS, the Board of Supervisors has determined that the intentional, careless, negligent or reckless placing, storing or discarding of garbage, refuse, human and animal food or edibles contributes to the frequency of potentially dangerous contacts between humans and wildlife such as bears, coyotes, and mountain lions,

NOW, THEREFORE, BE IT RESOLVED that the Cochise County Board of Supervisors hereby adopts the Ordinance regulating contact between Wildlife and Humans Within Cochise County in form and substance as attached hereto. Said Ordinance shall become effective thirty (30) days after the date hereof.

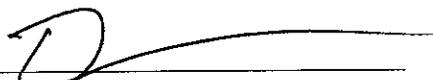
APPROVED AND ADOPTED in Formal Session this 15th day of January, 2008


Richard Searle, Chairman
Cochise County Board of Supervisors

ATTEST:


Katie A. Howard,
Clerk of the Board

APPROVED AS TO FORM:


Britt Hanson,
Deputy County Attorney



FEE # 080101719
OFFICIAL RECORDS
COCHISE COUNTY
DATE 01/22/08 HOUR 4
REQUEST OF
COCHISE COUNTY BOARD OF SUPV
CHRISTINE RHODES-RECORDER
FEE : PAGES : 5

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ORDINANCE NO. 36-08

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, WHICH REGULATES CONTACT BETWEEN WILDLIFE AND HUMANS WITHIN COCHISE COUNTY IN AN EFFORT TO PROTECT THE WELFARE AND SAFETY OF THE PUBLIC

WHEREAS, by Arizona Revised Statutes Title 17, the Arizona Game and Fish Commission is established and tasked with the responsibility to manage wildlife in Arizona; and

WHEREAS, the Board of Supervisors, pursuant to A.R.S. § 11-251.31, may make and enforce all local, police and sanitary regulations not in conflict with general law; and the issue of humans feeding wildlife and leaving human food and garbage available for wildlife has created and continues to create public safety concerns; and

WHEREAS, the frequency of wildlife/human public safety conflicts within Cochise County are escalating and pose a potential threat to the welfare and safety of the public; and

WHEREAS, the attraction of javelina, a primary prey animal for mountain lions, tends to attract mountain lions into the communities where these animals are being fed, and mountain lions are predators that have harmed humans in our state in the past by predatory attacks; and

WHEREAS, the Board of Supervisors has determined that the intentional, careless, negligent or reckless placing, storing or discarding of garbage, refuse, human and animal food or edibles contributes to the frequency of potentially dangerous contacts between humans and wildlife such as bears, coyotes, and mountain lions,

NOW, THEREFORE, BE IT ORDAINED that the Cochise County Board of Supervisors supports the enforcement of regulations for feeding certain wildlife, as follows:

Section 1. Wildlife feeding regulations

Subsections:

- 1.01 Feeding or attracting bears, javelina, coyotes and mountain lions prohibited
- 1.02 Definitions
- 1.03 Applicability
- 1.04 Exceptions
- 1.05 Enforcement

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1.06 Separate offenses

1.07 Penalty

1.01 Feeding or attracting bears, javelina, coyotes and mountain lions prohibited.

It is unlawful for any person to intentionally feed bears, javelina, coyotes or mountain lions, or to attract them by intentionally, negligently or recklessly placing water, garbage, refuse, human or animal food, or edibles in a place that is physically accessible to such wildlife.

1.02 Definitions.

- A. "Feeding" is defined as the intentional provision of water, animal or human food, animal carcasses, or edibles to wildlife.
- B. "Attracting" is defined as placing water, animal or human food, edibles, animal parts or carcasses, garbage, or refuse in an area where a reasonable person would be aware of the potential presence of wildlife.

1.03 Applicability.

This ordinance applies within all unincorporated areas of Cochise County.

1.04 Exceptions.

This ordinance does not apply to:

- A. Public employees or their agents acting within the scope of their authority for public safety or wildlife management purposes.
- B. Feeding or attracting wildlife as permitted by Arizona law and not prohibited by any Arizona Game and Fish Commission Rule or Order.
- C. Food or edibles that are being transported, consumed, or prepared for human consumption.
- D. Garbage or refuse that is being transported to an approved landfill or disposal facility.
- E. Water, food, edibles, garbage, or refuse located in a residence, sealed vehicle or storage building, or in a camping storage unit that is constructed of solid, non-pliable material.
- F. Food, edibles, garbage or refuse suspended at least ten feet above the ground and four feet horizontally from a post, tree trunk or other object on which a bear can climb.
- G. Food, edibles, garbage or refuse stored in a covered and locked container made of sturdy, non-pliable material provided, however, that refrigerators or freezers that are placed outside, even if locked, are not exempt under this ordinance.
- H. Municipal and commercial zoos or Arizona Game and Fish Department licensed wildlife rehabilitation providers.
- I. Provision of feed exclusively for livestock, horses, swine, poultry, or fowl.
- J. Feeders placed to attract birds or other wildlife that do not pose a public safety issue, nor attract bears, javelina or coyotes.

1.05 Enforcement.

An animal control officer or any state certified peace officer may issue a citation for the violation of this ordinance subject to the following provisions:

First offense: The violator is provided information about the ordinance and the public safety hazards associated with feeding or attracting wildlife and given a verbal warning.

Second offense: The violator is issued a citation for violating this section of the Cochise County Ordinance.

1.06 Separate offenses.

Each violation (after a first offense) pursuant to this section shall constitute a separate offense and each day a violation remains unabated may constitute a separate offense.

1.07 Penalty.

Pursuant to A.R.S. § 11-251.05A.2, a violation of this section constitutes a Class 1 misdemeanor and is punishable by a fine of not more than \$2,500, 6 months in jail, 3 years of probation, or any combination thereof.

PASSED AND ADOPTED by the Cochise County Board of Supervisors this 15th day of January, 2008. Effective date of the Ordinance shall be thirty (30) days, hereafter.



Richard Searle, Chairman
Cochise County Board of Supervisors

ATTEST:



Katie A. Howard,
Clerk of the Board

APPROVED AS TO FORM:



Britt W. Hanson,
Chief Civil Deputy

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