

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 6 OF THE HAILEY MUNICIPAL CODE, BY ADDING A NEW CHAPTER 6.10., PROVIDING A PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION, WITH EXCEPTIONS, TO FEEDING WILDLIFE WITHIN CITY LIMITS, PROVIDING A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW. WHEREAS, the State of Idaho, Idaho Fish and Game Commission, and Idaho Department of Fish and Game, pursuant to Idaho Code Section 36-101 et seq have and hold the lawful authority to administer policy regarding wildlife, but have not wholly displaced and preempted certain local regulation, as it might concern public health and safety, and

WHEREAS, the Commission has issued Idaho Administrative Code Section 13.01.18.100 wherein it is stated, “The Commission does not sanction widespread supplemental feeding programs. Additionally, supplemental feeding concentrates big game animals, making deer and elk susceptible to spreading or contracting Chronic Wasting Disease (CWD), as well as other diseases transmissible to livestock....”, and

WHEREAS, it is believed that the concentration of that the presence of concentrated numbers of big game animals as a result of feeding operation attracts predator species that pose a human safety concern, and

WHEREAS, the presence of concentrated big game wildlife in the City of Hailey increases the risk of automobile animal collision, and therefore poses a risk to human safety, and damage to ornamental planting.158

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

Section 1. Title 6 of the Hailey Municipal Code is hereby amended by the addition of a new Chapter 6.10, as follows:

6.10.010: PURPOSE
This chapter is passed to promote the health, safety and welfare of the residents and visitors of the city and protect the properties of such persons by establishing a prohibition against feeding wildlife.

6.10.020: DEFINITIONS
A. “Attract” means to intentionally use any substance, including, but not limited to, food, garbage, or salt lick, that draws wildlife to a particular location.
B. “Feed” means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract wildlife.

6.10.030: FEEDING/ATTRACTING WILDLIFE DECLARED UNLAWFUL:

A. It is unlawful for any person to intentionally or knowingly feed or attract wildlife (wild or habituated) except those birds and squirrels, 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 chapter applies to all areas within the City of Hailey.

C. Exceptions: This chapter 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, 159

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 Hailey 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. 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.

6. Compost piles that are fully contained and made inaccessible to wildlife.

D. Enforcement: A City of Hailey Animal Control officer, a Hailey 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.

6.10.040: VIOLATION; PENALTY: Any person violating any provision of the chapter, for a first offense is guilty of an Infraction, punishable upon conviction by a fine of one hundred 160 dollars (\$100.00). Any person violating the provisions of this chapter after having been convicted of an infraction shall be guilty of a misdemeanor and be fined not more than one thousand dollars (\$1,000) and imprisoned in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment.

Section 3. Severability Clause. Should any section or provision of this Ordinance be declared by

the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 4. Repealer Clause. All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after the statutorily required readings, approval, and publication according to law.
PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY