

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, ADOPTING AN AMENDMENT TO THE CITY CODE TITLE 6 (ANIMALS) BY ADDING CHAPTER 6.15 (OUTDOOR FEEDING AND PROTECTION OF WILDLIFE); PROVIDING FOR PENALTIES, A SAVINGS CLAUSE, AND FOR REPEAL OF CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, feeding wildlife may attract uncontrollable numbers of animals which may result in damage to property and irritation to surrounding property owners; and

WHEREAS, uneaten food may attract rodents, insects, and other pests, thereby increasing the potential transmission of disease to other animals and humans; and

WHEREAS, various residents have been recently injured in attacks from wildlife being fed; and

WHEREAS the City deems it necessary to adopt certain regulations regarding the feeding of wildlife to protect the health, safety, and welfare of the City residents.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, as follows:

Section 1. Amendment of Sedona City Code Title 6 (Animals)

Title 6 (Animals) of the City Code of the City of Sedona is hereby amended by adding the following Chapter:

Chapter 6.15 - OUTDOOR FEEDING AND PROTECTION OF WILDLIFE

6.15.010 - Definitions.

In this chapter unless the context otherwise requires:

"Attracting" or "to attract" means placing edible material in a location likely to entice wildlife to the source of the edible material.

"Edible material" means any human or animal food, food by-product, animal carcasses, salt, organic material, refuse, garbage or water.

"Feeding" or "to feed" means placing edible material in a location where it can be consumed by wildlife.

"Public employees" means any federal, state, county or City employees.

"Wildlife" means bears, javelina, deer, elk, coyotes, bobcats, skunks, foxes, or/and mountain lions.

6.15.020 - Feeding or Attracting Wildlife Prohibited.

It is unlawful for any person to intentionally, knowingly or recklessly feed wildlife or to attract wildlife.

6.15.030 - Applicability.

This chapter applies to all areas within the Sedona City limits.

6.15.040 - Exceptions.

This chapter does not apply to:

- A. Public employees, or their authorized agents, acting pursuant to A.R.S. Title 17 or Game and Fish Commission rule or order or acting within the scope of their authority for public safety or wildlife management purposes.
- B. Edible material located in a residence, closed vehicle, fully enclosed storage structure, or in a closed trash container.
- C. Normal agricultural or livestock operational practices or any person feeding their own horses or domestic animals.
- D. Seeds, nectar, and other material for birds or squirrels placed specifically for attracting wild birds and/or tree squirrels at least four (4) feet above the ground or in such a manner as to make it inaccessible to other wildlife.
- E. Water features such as fountains, ponds, birdbaths or similar structures where the primary purpose is decorative or ornamental.
- F. Growing plants or parts of growing plants, including gardens and fruit bearing trees or plants and the parts of those plants that may have fallen to the ground.
- G. Compost piles that are fully contained and made inaccessible to wildlife.
- H. Hand feeding of ducks or waterfowl on lakes, ponds, or creeks.

6.15.050 - Limitations to Exceptions.

The exceptions do not apply to any person who knows or has reason to know that an activity is attracting wildlife other than birds or tree squirrels. To avoid a violation, a person shall modify placement of any edible material, immediately cease the activity, or take such actions as the situation may require.

6.15.060 - Enforcement.

An Arizona Game and Fish officer, animal control officer, City Code Enforcement Officer, or any AZPOST certified peace officer may issue a written warning or citation for the violation of this chapter.

6.15.070 - Separate Offenses.

Each violation pursuant to this chapter shall constitute a separate offense and each day a violation remains unabated may constitute a separate offense.

6.15.080 - Penalties.

- A. Upon a first violation of this chapter, an officer shall issue a written warning and provide the person with wildlife educational materials.
- B. If there is a violation of this chapter and the person has previously been issued a warning within ninety (90) days from the date a warning was issued, the new violation is a civil offense punishable by a fine not to exceed one hundred fifty dollars (\$150.00), plus any other penalties, assessments or surcharges authorized by law.
- C. If there is a violation of this chapter and the person has previously been convicted within

one hundred eighty (180) days of violating this chapter, the new violation is a civil offense punishable by a fine not less than one hundred fifty dollars (\$150.00) and not more than five hundred dollars (\$500.00), plus any other penalties, assessments or surcharges authorized by law.

- D. If there is a violation of this chapter and the person has previously been convicted two (2) or more times of violating this chapter, the new violation is a class three misdemeanor, plus any other penalties, assessments or surcharges authorized by law.

Section 2. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

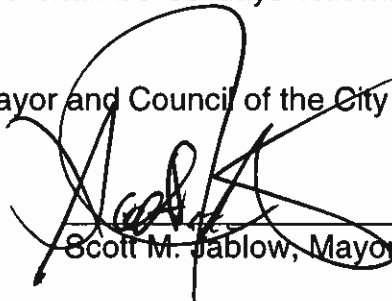
Section 3. Repeal

All other code provisions, ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof.

Section 4. Effective Date

The effective date of this Ordinance shall be 30 days following adoption by the City Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 11th day of April, 2023.




Scott M. Jablow, Mayor

ATTEST:



JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christiansen, City Attorney