

CITY OF FERNAN LAKE VILLAGE, IDAHO

ORDINANCE NO. 153

AN ORDINANCE OF THE CITY OF FERNAN LAKE VILLAGE, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, MAKING IT UNLAWFUL TO FEED, PROVIDE FEED OR OTHER ATTRACTANTS, EXCLUDING ORNAMENTAL PLANTS, VEGETABLE GARDENS AND CERTAIN BIRD FEEDERS, TO WILDLIFE WITHIN THE CITY LIMITS, AND AUTHORIZING ANIMAL CONTROL OFFICERS TO ENFORCE THIS ORDINANCE; REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FERNAN LAKE VILLAGE, IDAHO:

SECTION 1: **PURPOSE**. The citizens of the City value wildlife and want to maintain healthy and wild populations of deer, elk, bear, waterfowl, turkey, and other wildlife that are not dependent upon, or hazardous to, humans. Feeding wildlife results in artificially high concentrations of animals, increasing human-wildlife conflicts, and compromising the health and safety of humans and wildlife.

SECTION 2: **DEFINITIONS**. As used in this ordinance, unless the context otherwise indicates, the following terms shall have these meanings:

- A. "Wildlife" means deer, elk, turkeys, ducks, geese, bears, mountain lions, lynx, and bobcats.
- B. "Animal Control Officer" means all law enforcement officers as are defined by the Idaho Code, as well as duly appointed animal control officers appointed by either the City or the county to carry out and enforce each entity's respective animal control ordinances. A deputy of the Kootenai County sheriff's office and any animal control officer appointed by the City shall be "Animal Control Officers."
- C. "Attractant(s)" means any substance, including but not limited to, food, garbage, or salt lick, which draws wildlife to a particular location.
- D. "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.

E. "Feeding" means the depositing, distributing, or tending of feed in an area frequented by Wildlife.

SECTION 3. **CONDUCT DECLARED UNLAWFUL.** It is unlawful to feed, provide feed or other attractants, excluding ornamental plants, vegetable gardens and properly hung bird feeders, to wildlife within the city limits.

SECTION 4. **EXCEPTIONS.** It is legal to feed birds, other than turkeys, geese, and ducks, by utilizing a bird feeder that may be accessed only by birds. Bird feeders that are accessed by animals other than birds or squirrels are in violation.

SECTION 5. **INVESTIGATIONS AND COMPLAINTS.** Upon receipt of a complaint alleging the illegal feeding of wildlife, an animal control officer may investigate the complaint to determine if there has been a violation of this ordinance.

SECTION 6. **CITATIONS.** Any Animal Control Officer or law enforcement officer observing or determining that a violation of this ordinance has occurred shall issue a citation describing such violation and allowing the person cited to post and forfeit the sum of (1) TWO HUNDRED DOLLARS (\$200.00) for a first offense, (2) THREE HUNDRED DOLLARS (\$300.00), for a second offense, (3) FOUR HUNDRED DOLLARS (\$400.00) for a third offense, (4) and FIVE HUNDRED DOLLARS (\$500.00) for a fourth offense, by paying such amount to the city clerk within thirty (30) days of the issuance of the citation. If such amount is not timely posted and forfeited, the person charged shall be required to appear in court to answer the charge. For over four (4) offenses, the person charged shall not be permitted to post and forfeit bond, and the Animal Control Officer or law enforcement officers shall issue a citation requiring the person charged with the offense to appear in court in answer to the citation.

SECTION 7. **PENALTY-FINES.** Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than ONE THOUSAND DOLLARS (\$1,000.00).

SECTION 8. **SEVERABILITY.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

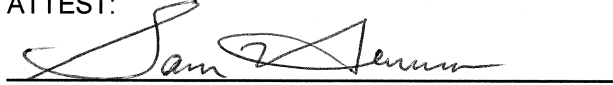
SECTION 9. Upon passage and approval and publication in one (1) issue of the Coeur d'Alene Press, the official newspaper of the City of Fernan Lake Village, Idaho, this Ordinance shall be in full force and effect.

PASSED under suspension of the rules at which a roll call vote was taken at regular meeting of the city council of the City of Fernan Lake Village, Kootenai County, Idaho, this 11th day of June, 2007.



J. PATRICK ACUFF, Mayor

ATTEST:



SAM NEWMAN, Clerk