

ORDINANCE No. 853-18

TO PROHIBIT THE FEEDING OF WILDLIFE AND WATERFOWL IN THE CITY OF HELENA BY AMENDING SECTION 6 OF THE CITY OF HELENA, ALABAMA CODE OF ORDINANCES

WHEREAS, the feeding of wildlife is extremely disruptive to the natural feeding habits of wildlife and is detrimental to the animals,

WHEREAS, the intentional feeding of wildlife can attract predators, result in altering their natural habitat by concentrating in artificial feeding areas and make such animals more susceptible to disease;

WHEREAS, improper feeding results in wildlife becoming dependent upon human provided food, alters their normal feeding and foraging habits, and can lead to animals having inappropriate interaction with humans resulting in needless injury to animals, humans, and pets,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HELENA, ALABAMA IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

Section 6 of the Helena Code of Ordinances shall be amended to read as follows:

ARTICLE III. ANIMALS, DIVISION 3. WILDLIFE. IN GENERAL.

Art. III, Division 3. Sec 6-94. Definitions.

Wild animal: Any animal which is not normally domesticated in this state, including but not limited to feral swine, coyotes, deer, feral cats, foxes, opossums, raccoons, skunks, alligators, turtles and waterfowl.

Waterfowl: Any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the sea; an aquatic fowl, including but not limited to ducks, geese, swans, heron, and egrets.

Sec. 6-95. Purpose

It has been well-established that the feeding of wild animals and waterfowl is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public.

Sec. 6-96.

Feeding of wild animals and waterfowl is prohibited.

- (a) No person shall purposely or knowingly feed, bait, or in any manner provide access to food to any wild animal or waterfowl within City parks or on other publicly owned lands in the City, or on any other lands within the City which are not owned by such person unless written consent to do so has been given by the title owner thereof and such written consent is in the actual physical possession of such person.
- (b) No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed, birdseed, fruit or grain in a manner that would constitute an attractant to any waterfowl within City parks or on other publicly owned lands in the City, or on any other lands within the City which are not owned by such person unless written consent to do so has been given by the title owner thereof and such written consent is in the actual physical possession of such person.
- (c) Nothing in this section shall apply to any agent of the City, State of Alabama, Federal Agency, or Nuisance Wildlife Control Officer lawfully engaged in a wildlife or waterfowl management program.

Sec. 6-97. Enforcement.

- (a) Animal control officers, code compliance officers and all Public Safety officers of the City of Helena are hereby given full power and authority to enforce this ordinance.
- (b) Failure to remove or remedy a violation of this Section on each day or part of each day during which a violation occurs or continues shall constitute a separate violation of this Ordinance.

Sec. 6-98. Penalties.

Any person who shall violate any of the provisions of this ordinance shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) upon conviction of a first offense hereunder and upon conviction of a second or subsequent offense fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), and may be imprisoned or sentenced to jail or hard labor for a period not exceeding six (6) months, or both such fine and sentence, at the discretion of the judge.

Sec. 6-99. Severability.

Every section of this ordinance or subdivision or separate part thereof shall be considered a separate provision to the intent that if any portion shall be declared unconstitutional it shall not affect the remaining parts of this ordinance.

All other Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

This ordinance shall become effective immediately upon its adoption on second reading.

DONE, RATIFIED, AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HELENA, ALABAMA ON THIS 12 DAY OF March, 2018.

[SEAL]



ATTEST:

Amanda C. Traywick
Amanda C. Traywick, City Clerk

[Signature]
Mark R. Hall, Mayor

[Signature]
Leigh Hulsey, Council Member

[Signature]
Mike Jones, Council President

[Signature]
Laura Joseph, Council Member

[Signature]
Alice Lobell, Council Member

[Signature]
Harold Woodman, Council Member

I, Amanda C. Traywick, the duly appointed and acting Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number 853-18 is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three public places in said City, being on the bulletin board of the City Hall, and in the Helena Public Library in said City, in the BP Coosa Mart in the City of Helena and that said Ordinance shall become a duly lawful Ordinance of said City of the 17 day of March 2018, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 12 day of March, 2018.

STATE OF ALABAMA SHELBY COUNTY

I, Amanda C. Traywick, City Clerk of the City of Helena, do hereby certify that the above is a true and correct copy of an Ordinance duly adopted by the Council of the City of Helena at its meeting held the 12 day of March, 2018.

Given under my hand and corporate seal of the City of Helena, this 12 day of March, 2018.

Amanda C. Traywick
City Clerk

