

After recording, please deliver to: Marian Sheppard, BOS

ORDINANCE

No. 01-1

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA, WHICH REGULATES CONTACT BETWEEN BEARS AND HUMANS WITHIN UNINCORPORATED GILA COUNTY IN AN EFFORT TO PROTECT THE WELFARE AND SAFETY OF THE PUBLIC AND OF THE BEARS.



WHEREAS, the Board of Supervisors, pursuant to A.R.S. §11-251 and §11-251.05, may make and enforce all local, police and sanitary regulations not in conflict with general law; and

WHEREAS, the frequency of bear/human contacts within unincorporated Gila County are escalating and pose a potential threat to the welfare and safety of the public and to the welfare and safety of the bears; 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 bear/human contacts.

NOW, THEREFORE, BE IT ORDAINED that the Gila County Board of Supervisors supports the enforcement of regulations for bear/human contacts, as follows:

SECTION 1. Bear regulations

Subsections:

- 1.01 Definitions
- 1.02 Feeding or attracting bears prohibited
- 1.03 Applicability
- 1.04 Exceptions
- 1.05 Enforcement
- 1.06 Separate offenses
- 1.07 Penalty

1.01 Definitions

- A. "Feeding" is defined as the intentional placing of water, animal or human food, or edibles to a bear or bears.

- B. "Attracting" is defined as placing water, animal or human food, edibles, garbage or refuse in an area where a reasonable person would be aware of the potential presence of bears.

1.02 Feeding or attracting bears prohibited

It is unlawful for any person to intentionally feed a bear or bears, or to attract bears by intentionally, negligently or recklessly placing water, garbage, refuse, human or animal food, or edibles in a place that is physically accessible to bears.

1.03 Applicability

This section applies within all unincorporated areas of Gila County, including, but not limited to, those areas within any Federal Land, or State, or National Park that lie within the geographical boundaries of unincorporated Gila County.

1.04 Exceptions

This ordinance does not apply to:

- A. Public employees acting within the scope of their authority for public safety or wildlife management purposes.
- B. Feeding or attracting bears as permitted by Arizona law and the Arizona Game and Fish Commission.
- C. Food or edibles that are being transported, consumed or prepared for consumption.
- D. Garbage or refuse that is being transported.
- E. Water, food, edibles, garbage or refuse located in a residence, sealed vehicle or storage building, or in a camping 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 may climb.
- G. Food, edibles, garbage or refuse stored in a covered and locked container made of sturdy, non-pliable material.
- H. Municipal and commercial zoos.
- I. Provision of feed for livestock, horses, swine, poultry or fowl.

1.05 Enforcement

An animal control officer and any state certified peace officer may issue a citation for the violation of this ordinance.

1.06 Separate offenses

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

1.07 Penalty

A violation of this section constitutes a Class I misdemeanor and is punishable by a fine of not less than \$ 500.00, nor more than \$ 2500.00, 6 months in jail, 3 years of probation, or any combination thereof

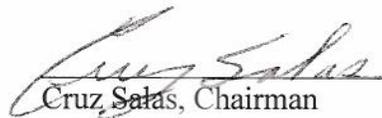
SECTION 2. That all ordinances and parts of ordinances in conflict with this ordinance be hereby repealed to the extent of such conflict.

SECTION 3. That if any part of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

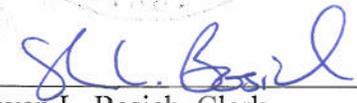
SECTION 4. Due to the summer recreation season and the recent bear encounters, this ordinance is enacted as an emergency measure to be effective immediately.

PASSED AND ADOPTED this 10th day of July 2001.

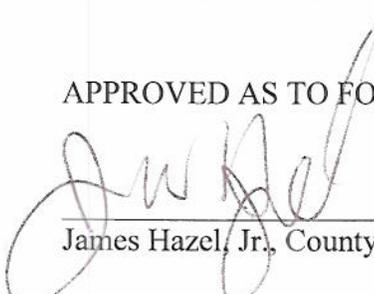
GILA COUNTY BOARD OF SUPERVISORS


Cruz Salas, Chairman

ATTEST:


Steven L. Besich, Clerk

APPROVED AS TO FORM:


James Hazel, Jr., County Attorney