

## Legislation Text

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**File #:** Ordinance 10-2018, **Version:** 2

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Agenda Date: 03/20/2018

**Subject:**

An ordinance on second reading amending title 6, chapter 1 of the municipal code to provide for the safety and protection of wildlife

Presented By: Steve Kemp, City Attorney
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**POLICY QUESTION:**

Does city council support an amendment to the municipal code to provide for the safety and protection of wildlife?

**BACKGROUND:**

The current municipal code only provides for the protection of birds and their nests and does not provide for the protection of and enforcement of damage to or harassment of the habitat, dens, nests of other wildlife. Although the Colorado State Parks and Wildlife Division does have concurrent jurisdiction to enforce wildlife codes in local jurisdictions, frequently the City is the first source of contact as it pertains to City owned property. The City and the state Parks and Wildlife Division are working together to share information and cooperate on enforcement issues. However, South Suburban Parks and Recreation relies on the municipal code of the City of Littleton, as the underlying property owner, when enforcing rules and protecting wildlife in city owned parks. Without amending the provision individuals engage in harassing behavior of wildlife without penalty

**PRIOR ACTIONS OR DISCUSSIONS:**

The Council considered a previous introduction of this ordinance and referred the matter to a study sessions. Based on Council comments after the first introduction, a study session was held and a revised ordinance prepared. The consensus of council was that the revised ordinance should be introduced on a first reading.

**STAFF ANALYSIS:**

This amendment to the code updates the definitions in Title 1, Chapter 6 to include a definition for “wildlife” in order to expand the protection provided to wildlife under the municipal code. Additionally, the amendment allows for increased protections for the dens/nests of wildlife and consequences for the harassment of such wildlife. This amendment will provide the City and SSPR with a more complete mechanism for protecting wildlife and prosecuting anyone who harms or harasses wildlife under the amended code.

One of the unique aspects of the quality of life in Littleton, is our extensive trail system and the South Platte River, as development occurs, there are a growing number of human-wildlife interactions. Some are positive such as the close viewing of wildlife, while others are negative, such as flying drones over nests and vandalizing dens and nests. The proposed code provision is a component to address these interactions

This ordinance will only apply to public property containing a wildlife habitat or private property that through

zoning or conservation easement has created a wildlife habitat. The ordinance expressly permits hazing of wildlife. Hazing is a technique of disrupting wildlife with the intent that they move elsewhere when they have disturbed human habitat, or engaged in threatening behavior towards humans. The ordinance does provide for criminal penalties, however as with most park and recreational enforcement, the focus will be on achieving user compliance, not punishment.

The purpose of first reading is to permit the introduction of the ordinance, set a date for a public hearing and direct publication of the introduced ordinance.

**OPTIONS/ALTERNATIVES:**

City council may choose not to approve the ordinance on first reading and the municipal code would remain unchanged.

**FISCAL IMPACTS:**

None

**STAFF RECOMMENDATION:**

Staff recommends approval of this ordinance.

**PROPOSED MOTION:**

I move to approve the ordinance on second reading amending title 6, chapter 1 of the municipal code to provide for the safety and protection of wildlife.