

**AN ORDINANCE TO BE ENTITLED AN ORDINANCE TO PREVENT WILDLIFE  
ACCESS TO REFUSE AND TO REPEAL ALL ORDINANCES IN CONFLICT  
HEREWITH; AND FOR OTHER PURPOSES.**

**BE IT ORDAINED** by the Mayor and Council Members of the City of Sky Valley, Georgia, in regular meeting of Council assembled, and pursuant to lawful authority thereof:

**PREVENTION OF WILDLIFE ACCESS TO REFUSE**

**Sec. 1. Definitions**

**“Approved wildlife resistant container”** as used in this Ordinance shall mean a fully enclosed container with a lid which can be completely closed. The lid must have a latching mechanism, which prevents access to wildlife. Both the container and the lid must be constructed of metal or equivalent. Any container which is over filled so as to prevent latching is not a wildlife resistant container. Wildlife resistant containers must be approved by the animal control officer.

**“Approved wildlife resistant enclosure”** as used in this Ordinance shall mean a fully enclosed structure containing four walls and a roof, with one side accommodating a door. The walls of the enclosure must extend to the ground and the door can have no more than a 3/8-inch gap along the bottom. The latching device must be of a sufficient strength and design to prevent access by wild life. Ventilation openings shall be kept to a minimum and must be covered with a metal mesh or other material of sufficient strength to prevent access to wildlife. Wildlife resistant enclosures must be approved by the animal control officer.

**“Attractant”** any substance which could reasonably be expected to attract wildlife or does attract wildlife, including but not limited to food products, pet food, feed, compost, grain or salt.

**“Commercial”** as used in this Ordinance shall reference to income producing property which shall include but not be limited office buildings, apartments, and time shares.

**“Domestic”** as used in this Ordinance shall reference to privately owned residential property which shall include but not be limited to single family dwellings, remodeled dwellings, resale dwellings, newly constructed dwellings, condominiums, and duplexes.

**“Enforcement officer”** as used in this Ordinance may include animal control, County Sheriff, City Police, state natural resource ranger or other law enforcement official.

**“Person”** as used in this Ordinance will include any natural or juridical person, including but not limited to, corporations and other business entities, the United States, the state, the county, the district and any office or agency

“**Refuse**” as used in this Ordinance will include all substances and materials which are an attractant to wildlife.

“**Special event**” as used in this Ordinance shall mean a large outdoor gathering such as a concert, conference, fair or festival with an expected or actual attendance in excess of 50 people.

“**Wildlife**” as used in this Ordinance shall include any mammal which is not normally domesticated in this state, including but not limited to, bears, coyotes, foxes, mountain lions, opossums, raccoons and skunks.

**Sec. 2. Disposal of Domestic and Commercial Refuse**

A. All domestic and commercial refuse must be placed in one of the following:

- (1) A building, house or garage that is inaccessible to wildlife.
- (2) An approved wildlife resistant container.
- (3) A container that is placed in an approved wildlife resistant enclosure.
- (4) Deposited at an appropriate County or City disposal site.

B. Commercial property owners are responsible for any violations of this Ordinance a tenant may violate, and any fines and/or penalties accumulated by a tenant will be assessed to the Commercial property owner.

**Sec. 3. Special Events Refuse Disposal**

A. All outdoor special events shall be kept free from the accumulation of refuse.

B. Refuse must be collected from the grounds of the event at the close of each day and deposited in an approved wildlife resistant container, an approved wildlife resistant enclosure or deposited at an appropriate County or City disposal site or placed in a building or which is inaccessible to wildlife.

**Sec. 4. Construction Site Refuse Disposal**

A. All construction sites must have a designated container that receives refuse. The container must be either an approved wildlife resistant container, stored in an approved wildlife resistant enclosure or emptied at the end of each day and stored in a building or trailer.

**Sec. 5. Wildlife Resistant Containers or Enclosures Available for Public Use**

A. Wildlife resistant containers or enclosures will be available for refuse deposit at the following city dump locations when the facilities are open and accessible to the public:

- (1) City of Sky Valley Compactor on Knob Drive

B. The provision of approved wildlife resistant containers or approved wildlife resistant enclosures at the above locations does not relieve any person for complying with any requirement of this Ordinance.

**Sec. 6. Additional Provisions to Minimize Bear/Human Conflicts**

A. Bird feeders are only permitted during certain times of the year. Bird feeders are not permitted between April 15 and November 15 of each year because natural food is abundant during this time of year.

B. No person shall fail to take remedial action to avoid contact or conflict with bears after being advised by the enforcement officer that such action is necessary. Remedial action may include, but is not limited to removal of cooking grills, pet food, bird feeders or any other attractants.

C. Further, after an initial contact or conflict with a bear, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, grills, pet food or bird feeders.

**Sec. 7. Enforcement**

A. City of Sky Valley may issue verbal warnings or citations and summons as well as assess penalties for any violation of this Ordinance.

B. City of Sky Valley has the authority to assess the need for remedial action necessary to avoid bear contact or conflict pursuant to Section 5 of this Ordinance.

**Sec. 8. Penalties**

A. Any violation of this Chapter shall be subject to the following penalties:

- (1) First violation: Verbal warning and possible removal of any item deemed to be in violation of this Ordinance.
- (2) Second violation: Written citation and warning that if preventative measures are not implemented, offender may be required to install an approved wildlife resistant container at his/her expense.
- (3) Third and subsequent violations: Offender shall be required to install an approved wildlife resistant container at his/her expense and be subject to fines and penalties.

B. Any violation of this Ordinance will be subject to fines up to \$1,000.00.

C. Each day that a violation continues or occurs will be considered a new violation for the purpose of assessing penalties under this chapter.

**Sec. 9. Enactment**

This Chapter will become effective on April 23, 2019.

**Sec. 10. Severability**

Should any provision of this ordinance be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the City Council.

**Sec. 11. Savings Clause**

Except as hereby amended, the Code of Ordinances of the City of Sky Valley, Georgia shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the City of Sky Valley, Georgia which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

So resolved this 23<sup>rd</sup> day of April, 2019.

**AUTHENTICATION:**


Adopted by Council on April 23, 2019.

**APPROVED:**

  
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**ROBERT MACNAIR, MAYOR**

  
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**JIM CURTIS, COUNCILOR**


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**NEIL HOWARD, COUNCILOR**

  
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**MOODY BARRICK,  
COUNCILOR**

  
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**ALLEN PIONTKOWSKI,  
COUNCILOR**

  
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**PAUL WHEELER, COUNCILOR**

**ATTEST:**

  
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**KAREN FLEMING, CITY CLERK**