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OFFICIAL RECORDS  
OF MOHAVE COUNTY  
CAROL MEIER,  
COUNTY RECORDER



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**MOHAVE COUNTY DEPARTMENT OF PUBLIC HEALTH  
ENVIRONMENTAL HEALTH DIVISION**

**AN ORDINANCE PROHIBITING THE FEEDING OF PIGEONS**

**WHEREAS**, A.R.S. §11-251.17 allows the Mohave County Board of Supervisors to adopt provisions necessary to preserve the health of the County; and

**WHEREAS**, the Mohave County Board of Supervisors is further authorized pursuant to A.R.S. §11-251.31 to "Make and enforce all local, police, sanitary and other regulations not in conflict with general law", and

**WHEREAS**, the Mohave County Board of Supervisors is required to establish a county department of health or a public health services district pursuant to A.R.S. §36-182.A, and

**WHEREAS**, The Director of a county health department is mandated, pursuant to A.R.S. §36-186(5), to enforce and observe the rules of the Director of the department of health services, the Director of the department of environmental quality and the local board of health, county rules and regulations concerning health, and laws of the state pertaining to the preservation of public health and protection of the environment, and

**WHEREAS**, The congregation of excess numbers of pigeons pose health and safety issues, offends human senses and may cause adverse environmental effects through bird contamination by excrement, insect infestation and dropped feathers.

**NOW, THEREFORE**, the Mohave County Board of Supervisors, do hereby order the following measures to be adopted.

**PASSED, APPROVED AND ADOPTED** by the Board of Supervisors of Mohave County, Arizona the 6 day of April, 2009.

**MOHAVE COUNTY BOARD OF SUPERVISORS**

A handwritten signature in cursive script, reading "Tom Jackwell".  
\_\_\_\_\_  
BOS Chairman



12/29/2008

**Section 1. Definitions**

- A. The following definitions shall apply throughout this Ordinance, unless a different meaning is clearly indicated by the context or is stated in any of the several sections.
1. "Congregation" or "Congregating" shall mean the intermittent or periodic presence of six (6) or more of such birds at one location, encouraged by persons putting out food for the birds.
  2. "Department" means the Mohave County Department of Public Health, Environmental Health Division.
  3. "Comply" or "Compliance" means meeting the requirements of these rules and regulations.
  4. "County" means Mohave County.
  5. "Director" means Director of the Mohave County Department of Public Health.
  6. "Health Officer" means the Director of the Mohave County Department of Public Health or his/her authorized representative.
  7. "Hearing Officer" means a person appointed by the Director of the Mohave County Department of Public Health or the Environmental Health Division Manager to conduct a hearing.
  8. "Feed" shall mean the placing, exposing, depositing, distributing or scattering, directly or indirectly, of food, including but not limited to grain, seeds, greens, bread, fishmeal, waste food, food scraps, or other feed or nutritive substances in any place where it may be accessed by pigeons.
  9. "Lingering" shall mean to be slow in parting
  10. "Pigeon" means the common pigeon, *Columba livia* also known as the *Rock Dove* in its wild state.  
  
Or  
Any of various birds of the widely distributed family Columbidae, characteristically having plump bodies, small heads, and short legs, including the rock dove or any of its domesticated varieties
  11. "Public Health Nuisance" means any condition which is injurious or potentially injurious to the health and safety of the public, or which pollutes the air, land, or water; and/or a thing, act, condition or use of property which continues for such length of time as to substantially annoy, injure or endanger the comfort, health, repose or safety of the public or to cause or is known to have the potential to cause, a serious health hazard.
  12. "Roosting" shall mean settling down for rest or sleep

**Section 2. Prohibitions**

- A. Encouragement of pigeon congregating, lingering, or roosting is declared to be a public health nuisance, whether intentional or unintentional.
- B. It shall be unlawful to:
1. Feed pigeons, in any manner in the County of Mohave; and/or
  2. Intentionally or unintentionally place, offer, or provide food in any manner, including, but not limited to, discarded food, food by-products, vegetables, garbage or animal food of any type;
- This prohibition shall not apply to pigeons kept at all times in pens, cages or enclosures. Nor does it prohibit the feeding of birds utilizing practices that prohibit pigeons from obtaining feed.
- C. All persons currently ground-feeding birds, thus encouraging the congregation, lingering, or roosting of pigeons that are not kept in pens, cages, or enclosures shall immediately cease and desist such practice and remove and/or properly dispose of all waste generated by such practices.

**Section 3. Enforcement**

- A. A public health official who is investigating a public health nuisance, source of filth or cause of sickness may issue a 24 hour Order to Comply to the property owner in accordance with A.R.S. § 36-602(A) or may issue a notice of violation and demand for compliance in accordance with A.R.S. 36-183.04.
- B. The notice of violation and demand for compliance may be sent by certified or registered mail or by hand delivery to the respondent. The notice of violation and demand for compliance must state with reasonable specificity the nature of the violation and the deadline for compliance. The notice of violation shall also state that the respondent may request a hearing.
1. Should the property owner not comply within the specified deadline of the notice of violation and demand for compliance or request a hearing, a compliance order may be issued in accordance with A.R.S. 36-183.04
  2. Should the situation warrant, the Environmental Health Division through the county attorney may file an action in the superior court for a temporary restraining order, a preliminary or permanent injunction or any other appropriate relief necessary to enjoin the person from further violations and to protect public health or the environment, including a lien against the property for
    - the actual cost of removal and/or abatement,
    - fees for any inspections by the Environmental Health Division staff,
    - associated attorney's fees and costs,
    - miscellaneous fees associated with the case,
    - applicable recording fees and,
    - at the discretion of the Environmental Health Division, a civil penalty pursuant to A.R.S. § 36-183.04.
- The lien may be placed in accordance with Mohave County Ordinance 2006-03 and ARS § 36-602.

- C. The 24 hour order may be delivered to the owner or occupant personally or left at the owner or occupant's normal place of abode or served on the owner or occupant in the same manner as provided for service of process under the Arizona rules of civil procedure. The Order shall require the owner or occupant to remove or abate the nuisance, source of filth or cause of sickness within twenty-four hours at the expense of the owner or occupant.
1. Should the property owner/occupant not comply with the 24 hour Order and Mohave County need to remove the public health nuisance, and the property owner, occupant or other person who caused the nuisance refuse to pay the cost of removal and/or abatement of the nuisance, a lien shall be recorded against the property for
- the actual cost of removal and/or abatement,
  - fees for any inspections by Environmental Health Division staff,
  - associated attorney's fees and costs,
  - miscellaneous fees associated with the case,
  - applicable recording fees, and
  - at the discretion of the Environmental Health Division a civil penalty pursuant to A.R.S. § 36-183.04.
- The lien shall be created in accordance with Mohave County Ordinance 2006-03 and ARS § 36-602.
- D. Each day in which a violation is proven shall constitute a separate and new offense under this section.

#### **Section 4. Severability**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.