

ARTICLE 2.08 SUPPLEMENTAL FEEDING OF DEER PROHIBITED

Sec. 2.08.001 Definitions

Food or feed. Corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, grain, vegetables, and commercially sold wildlife feed, livestock feed, human food scraps, or any other edible matter that deer will consume; but excludes shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground from trees.

Sec. 2.08.002 Community education

The city administrator shall establish and implement a program to educate the community about the dangers of overpopulation of deer in urban and suburban areas.

Sec. 2.08.003 Feeding of deer prohibited

- (a) It shall be unlawful for any person to intentionally feed deer or make food available for consumption by deer on private or public property within the city.
- (b) A person shall be presumed to have intentionally fed deer, or made food available for consumption by deer, if the person places food, or causes food to be placed, on the ground outdoors, uses any sort of manual or automatic feeding device, or hand feeds deer.
- (c) This section does not apply to an animal control officer, veterinarian, peace officer, city employee, federal or state wildlife official, or property owner who is authorized by a local, state, or federal government to treat, manage, capture, trap, or remove deer and who is acting within the scope of the person's authority, nor to a property owner who is authorized to hunt on a tract of land of ten (10) acres or more pursuant to Local Government Code section 229.002, as amended.

Sec. 2.08.004 Affirmative defense

It is an affirmative defense to prosecution under this article if a person places food, in good faith, for the purpose of feeding domestic livestock or pets located on the property.

Sec. 2.08.005 Enforcement and penalty

(a) Enforcement.

- (1) A person may report a violation of this article to the police department of the city.
- (2) The police department may conduct an inspection under any provision of the city code to also inspect for compliance with this article and issue a citation for violation of this article.
- (3) City officials shall issue a written warning for a first offense under this article. Thereafter, offenses shall be subject to standard procedures for ordinance violations.

(b) Penalties. Any person violating any provision of this article shall, upon conviction, be fined a sum not more than five hundred dollars (\$500.00), except as may be otherwise expressly provided by state law. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a class C misdemeanor.

(c) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, include, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
- (2) A civil penalty up to five hundred dollars (\$500.00) a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
- (3) Other available relief.

(Ordinance 2014-10 adopted 2/27/14)