

## **ORDINANCE 238**

AN ORDINANCE PROHIBITING THE FEEDING OF DEER WITHIN THE CITY LIMITS; ESTABLISHING A PENALTY; PROVIDING FOR PENALTIES FOR FEEDING DEER IN THE CITY LIMITS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Sunrise Beach Village, Texas (herein the "City") is located in the portion of Texas known as the Hill Country that has a significant over population of whitetail deer as reflected in deer counts that were conducted throughout the city; and

WHEREAS, the deer population in the City poses a hazard to motorists in the City, causes a reduction in the native plant life and causes damage to landscaping installed by residents and commercial landowners of the City; and

WHEREAS, the feeding of deer has been shown to increase the concentration of deer in the area of feeding, thereby increasing the likelihood of collisions between vehicles and deer, and increasing damage to vegetation and landscaping in the area; and

WHEREAS, the feeding of deer has been shown to attract deer to remain in an urbanized area and that a reduction in voluntary feeding of deer would discourage the influx of additional deer and best protect the property values, the health, safety and general welfare of the citizens.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SUNRISE BEACH VILLAGE, LLANO COUNTY, TEXAS:

### **SECTION I – FINDINGS**

1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the Board of Commissioners and made a part hereof for all purposes as findings of fact.
2. All peace officers and/or animal control officers of the city are authorized, under the direction of the Chief of Police, and in conformance with state guidelines to destroy injured deer in the city limits of the City of Sunrise Beach Village.

### **SECTION II – FEEDING OF DEER PROHIBITED**

1. No person shall purposely feed or provide food (as described in paragraph 3. below) through a ground-feeding station, salt lick or by other means, to wild deer in the City of Sunrise Beach Village on any public or private land except for state approved wildlife rehabilitation sites.
2. For the purpose of this ordinance, a deer shall be deemed to be wild unless the Texas Parks & Wildlife Dept. determines it can legally be kept in an enclosed barn, fence or other structure on private property sufficient to prevent the deer from leaving the confines of such enclosed area.
3. A person shall be deemed to have purposely fed or caused deer to be fed if the person places wheat, pellet livestock food, corn in any form, fruit, vegetables, hay or alfalfa, human food scraps, any form of commercially sold wildlife feed, or livestock feed, or any other edible matter that deer will consume (not including live vegetation such as ornamental landscaping or flowers or birdseed in elevated or limited access containers) on the ground, or within reach of deer. This prohibition shall not apply to edible matter located either in an enclosed building

or stored in securely sealed packages or feed placed in the agricultural district for the maintenance of livestock.

- 4. The prohibition as defined in this section will not apply to any peace officer, animal control officer, or Texas Parks and Wildlife agent acting pursuant to a deer control or study program.

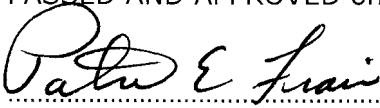
**SECTION III – ADMINISTRATION**

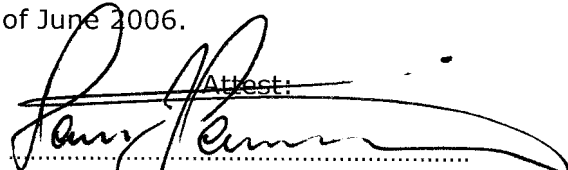
- 1. **Liberalily Construed.** In the City’s interpretation and application, the provisions of this Ordinance shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, and welfare. This Ordinance shall be regarded as remedial and shall be liberally construed to further its underlying purposes.
- 2. **Highest Standards Govern.** Whenever a provision of this Ordinance and any other provision of this Ordinance, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

**SECTION IV – CLOSING PROVISIONS**

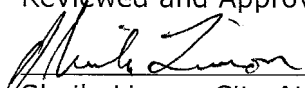
- 1. **Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.
- 2. **Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Gov’t Code.
- 3. **Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 511, Texas Gov’t Code.
- 4. **Penalty For Violation.** It is a Class C misdemeanor for any person to violate any of the provisions of this ordinance and any person convicted of a violation shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00).

PASSED AND APPROVED on this the 27<sup>TH</sup> day of June 2006.

  
 .....  
 Patricia E. Frain, Mayor

Attest:  
  
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 Hans Schneider, City Secretary

Reviewed and Approved:

  
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 Sheila Limon, City Attorney