ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE TO ADD CHAPTER 10-8 TO PROHIBIT THE INTENTIONAL FEEDING OF DEER WITHIN THE CITY LIMITS; CREATING AN OFFENSE; AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. A new Chapter 10-8 of the Code is adopted to read:

CHAPTER 10-8 INTENTIONAL FEEDING OF DEER

ARTICLE 1: GENERAL PROVISIONS.

§10-8-1 DEFINITION.

In this chapter FOOD means corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, grain, vegetables, and commercially sold wildlife feed, birdseed or livestock feed, but excludes shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground from trees.

§10-8-2 COMMUNITY EDUCATION.

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

ARTICLE 2: OFFENSE.

§10-8-3 FEEDING OF DEER PROHIBITED.

(A) Except as provided in subsection (C), a person commits an offense if the person intentionally feeds deer or makes food available for consumption by deer on private or public property within the territorial limits of 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 or on any outdoor platform that stands fewer than five feet above the ground.

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(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, hunt, or remove deer and who is acting within the scope of the person's authority.

§10-8-4 AFFIRMATIVE DEFENSE.

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

§10-8-5 ENFORCEMENT.

(A) A person may report a violation of this chapter to the director of the Health and Human Services Department.

(B) The director of the Health and Human Services Department may enforce this chapter and may seek injunctive relief.

(C) The city manager may authorize a City employee conducting an inspection under any provision of the city code to also inspect for compliance with this chapter and issue a citation for violation of this chapter.

§10-8-6 PENALTY.

A person who violates this chapter commits an offense. An offense under this chapter is a Class C misdemeanor punishable as provided in Section 1-1-99 (Offenses; General Penalty) by a fine of not less than $75 or more than $125.

PART 2. This ordinance takes effect on _____, 2009.

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PASSED AND APPROVED

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_____, 2009 §_____
Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk

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