

**Ordinance No. 2016.15
Village of Salado
County of Bell
State of Texas**

ORDINANCE NO. 2016.15

INTENTIONAL FEEDING AND DISPOSAL OF DEER

AN ORDINANCE OF THE BOARD OF ALDERMAN OF THE VILLAGE OF SALADO, TEXAS, ESTABLISHING AN ORDINANCE RELATING TO “THE INTENTIONAL FEEDING AND DISPOSAL OF DEER;” CREATING AN OFFENSE; PROVIDING A PENALTY CLAUSE; ESTABLISHING A FINE OF NO LESS THAN \$75 OR MORE THAN \$125 PER FEEDING OFFENSE; ESTABLISHING A FEE OF \$50 PER CARCASS FOR REMOVAL FROM PRIVATE PROPERTY; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Village of Salado (Village) has a significant deer population that has been increasing; and

WHEREAS, the deer population in the Village poses a hazard to motorists in the Village, causes a reduction in plant life and other wild animals, and causes damage to landscaping installed by residents and commercial landowners of the Village; 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, increasing tick-borne diseases in pets and other wildlife, and increasing damage to vegetation and landscaping in the area; and

WHEREAS, the feeding of deer has been shown to encourage deer to remain in an urbanized area and to become reliant on non-native food sources that may not be sustainable or healthy; and

WHEREAS, the handling of deer carcasses reduces health and safety concerns with residents within the Village; and

WHEREAS, the Board of Aldermen finds that the adoption of an ordinance regulating the intentional feeding of deer promotes the health, safety and welfare of the citizens of the Village; and

WHEREAS, the Board of Aldermen finds that the successful management of the deer population within the Village must be conducted through safe, sustainable methods;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas, that:

Section 1.

The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 2.

Ordinance 2016.15 of the Code of Ordinances relating to “The Intentional Feeding and Disposal of Deer” is hereby adopted as detailed in the attached **Exhibit A**.

Section 3.

If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 4.

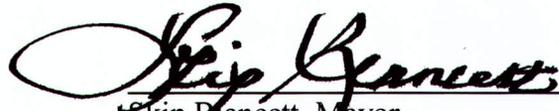
All ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the Village not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5.

The Mayor is hereby authorized to sign this ordinance and the Village Secretary to attest. This Ordinance shall become effective upon passage and appropriate publishing in the newspaper.

PASSED and APPROVED this the 16th day of June, 2016, by a 5 (ayes) to 0 (nays) to 0 (abstentions) vote of the Board of Aldermen of the Village of Salado, Texas.

THE VILLAGE OF SALADO, TEXAS:


Skip Blancett, Mayor

ATTEST:

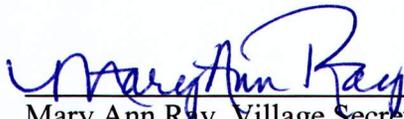

Mary Ann Ray, Village Secretary



Exhibit A

INTENTIONAL FEEDING AND DISPOSAL OF DEER

1. DEFINITION.

“Food” means corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, grain, vegetables, and commercially sold wildlife feed, or livestock feed, but excludes shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground from existing trees on site.

“Manage” means to treat, manage, capture, trap, hunt, or remove deer on private or Village-owned property.

“Disposal” means to get rid of, at the discretion of Village staff, the carcass or parts of a deer.

2. COMMUNITY EDUCATION.

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

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 village.
- 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.
- 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 participating in a program 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.

4. DEER CARCASS REMOVAL PROCESS.

- A. A person residing within the Village limits may choose to dispose of a deer carcass by either (1) legally disposing of the carcass themselves by following all local, State, and Federal regulations regarding carcass disposal, or (2) contacting the Village staff to assist with carcass removal.

B. For Village assistance with carcass removal:

1. A person shall report the death of a deer within Village limits to the Village staff by telephone or walk-in to the Village offices either (1) within 24 hours of the death of a deer, or (2) on the next regular business day for Village offices. Payment of pick-up fee is due at time of report.
2. Village staff will make best effort to remove the deer carcass within 24 hours of the notification or the next business day. Deer carcass should be dragged to the front of the home or business, or be in an easily accessible location outside of fenced or otherwise enclosed areas. Exact location of the carcass shall be provided to Village staff.
3. If Village staff cannot remove the carcass due to limitations of the property, decomposition state of the carcass, or other reasons, property owner will be responsible for carcass removal and fee will be refunded within 14 business days.
4. Resident or property owner must sign a release of liability statement before carcass removal occurs.

5. 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, birds, or pets located on the property.

6. ENFORCEMENT.

- A. A person may report a violation of this chapter to the Village of Salado office.
- B. The Salado Police Department or Code Enforcement Clerk may enforce this Chapter.

7. PENALTIES AND FEES.

- A. A person who violates this chapter by intentionally feeding or making food available to a deer commits an offense. An offense under this chapter is a Class C misdemeanor punishable by a fine of not less than \$75 or more than \$125 per feeding offense.
- B. Fees shall be assessed for Village removal of carcasses on private property. The fee for carcass removal shall be \$50 per animal. Fee must be paid in full at Village office, or by telephone, before carcass will be removed. Failure to pay fee in a timely manner will prevent Village staff from removing the carcass.