

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ANN ARBOR BY ADDING NEW SECTIONS, WHICH NEW SECTION SHALL BE DESIGNATED AS SECTIONS 9:54 OF CHAPTER 107 (ANIMALS) OF TITLE IX OF SAID CODE.

The City of Ann Arbor Ordains:

Section 1. That new Section 9:54, Deer Feeding, be added to Chapter 107 of Title IX of the Code of the City of Ann to read as follows:

9:54. Deer Feeding Prohibition.

(1) Purpose and Findings.

The purpose of this artificial feeding ban is to eliminate deer attractions which, when combined with other management strategies, should reduce, over time, the depredation impacts on residents, as well as assure the safety of the traveling public on City streets.

The City Council finds:

(a) Recreational feeding of deer often causes deer concentrations which develop into depredation and other public safety problems;

(b) Depredation of garden crops and landscaping plants is increasing as deer habitat decreases and deer populations increase within particular areas and neighborhoods in the City;

(c) High deer populations can result in increased car/deer crashes within the community, causing public safety concerns.

(2) Acts Prohibited.

No person may place or permit to be placed on the ground, or less than five feet (5') above the ground surface any grain, fodder, salt licks, fruit, vegetables, nuts, hay or other edible materials ~~(including feed for birds)~~ which may reasonably be expected to result in deer feeding, unless such items are screened or protected in a manner that prevents deer from feeding on them. Living fruit trees and other live vegetation shall not be considered as deer feeding.

(3) Exceptions.

This prohibition shall not apply to:

(a) Veterinarians, city/county animal control officers, parks maintenance staff, or county, state or federal game officials who are in the course of their duties, have deer in custody or under their management.

(b) Persons authorized by the City of Ann Arbor to implement the Deer Management Program approved by the City Council; or

(c) Any food placed upon the property for purposes of trapping or otherwise taking deer where such trapping or taking is pursuant to a permit issued by the Michigan Department of Natural Resources.

(d) Persons feeding **DOMESTIC ANIMALS OR WILD** birds using feeding devices or containers ~~that comply with Section 9:54(2).~~

(e) The use of straw, hay or straw-related materials for erosion control, mulching, gardening or other landscape purposes.

(f) Persons keeping of chickens as provided for under Section 9:42 of this Code.

(4) Enforcement.

(a) Injunctions.

(i) Violations of this chapter are hereby declared to constitute a public nuisance.

(ii) If, after written notice to comply, the proper owner fails to abate the nuisance, the City Attorney is authorized to commence civil proceedings for the purpose of obtaining injunctive relief or any other appropriate civil remedy to abate or eliminate the public nuisance.

(b) Penalties.

(i) A violation of any provision of this chapter is a civil infraction punishable by a fine of not more than \$100, for each day upon which a violation occurs after written notice is provided, plus all costs of the action.

(ii) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.

(iii) Nothing contained in this chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any other person for the prevention or elimination of a public nuisance.

Section 2. If any provisions of this Ordinance or the application of a provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the Ordinance and the application of the Ordinance to any other situation shall be considered severable, and shall be given effect to the maximum extent possible.

Section 3: This Ordinance shall take effect on the tenth day following legal publication.