



Legislation Details (With Text)

File #: 15-1028 **Version:** 1 **Name:** 8/17/15 Deer Feeding Ban Ordinance
Type: Ordinance **Status:** Passed
File created: 8/17/2015 **In control:** City Council
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Enactment date: 8/17/2015 **Enactment #:** ORD-15-21

Title: 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 (Deer Feeding Prohibition) of Chapter 107 (Animals) of Title IX of Said Code (Ordinance No. ORD-15-21)

Sponsors: Jane Lumm, Sabra Briere

Indexes:

Code sections:

Attachments: 1. 15-21 Deer Feeding Prohibition Ord Briefed and Approved as Amended.pdf, 2. 15-21 Deer Feeding Prohibition Ord Briefed As Amended, 3. DEER Feeding Ban Ord 15-21 Proposed Amendments, 4. 15-21 Deer Feeding Prohibition Ord Briefed.pdf, 5. 15-21 Deer Feeding Prohibition Ord Briefed.pdf.docx, 6. Deer Feeding Prohibition Ord, 7. 15-21 Deer Feeding Prohibition Ord Approval Notice.pdf

Date	Ver.	Action By	Action	Result
9/8/2015	1	City Council	Held and Closed	
9/8/2015	1	City Council	Adopted as Amended on Second Reading	Pass
8/17/2015	1	City Council	Approved on First Reading	Pass

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 (Deer Feeding Prohibition) of Chapter 107 (Animals) of Title IX of Said Code (Ordinance No. ORD-15-21)

The proposed new sections to Chapter 107, Animals, of the City Code would implement an artificial feeding ban.

City Council Resolution No. R-14-144, approved on May 5, 2014, directed the City Administrator to provide deer management options and on August 14, 2014 City Council was presented the Administrator’s “Report to City Council regarding Deer Management.” Included in the Report’s recommendations was the implementation by City Council of a deer feeding ban.

A deer feeding ban has the potential to reduce the probability that deer will gather and remain in neighborhoods where their previous food sources are diminished. In addition, when feeding bans are combined with other management strategies, depredation impacts and other public safety concerns can be minimized over time.

The MDNR has noted in its educational bulletins on Deer Feeding during winter months that the artificial feeding of deer may concentrate the animals into even a smaller area than their normal habitat, which can cause negative consequence - the potential for diseases transmission and habitat degradation. Deer will eat anything within close proximity of an artificial feeding site; which can result in removal of edible vegetation that other wildlife species depend on for food.

In addition problems with feeding deer include human-deer conflict such as deer/vehicle collisions and diminishing the wild nature of deer.

The proposed ordinance would

Prohibit the placement of edible materials which could reasonably be expected to be a food source for deer

Establish certain exception to the prohibition for veterinarians, animal control officers, persons authorized to implement an adopted City Deer Management Program and other officials who are tasked with deer custody or management responsibilities.

Establish certain exception for citizen activities such as landscaping and bird feeding

Designate violations as constituting a public nuisance and establish penalties for violations of the ordinance

Staff has reviewed the proposed resolution and recommends its adoption.

..Staff

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Sponsored by: Council Members Lumm and Briere

ORDINANCE NO. ORD-15-21

First Reading: August 17, 2015

Approved: September 8, 2015

Public Hearing: September 8, 2015

Published: September 11, 2015

Effective: September 21, 2015

ANIMALS
(DEER FEEDING PROHIBITION)

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 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.

(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.

As Amended by Ann Arbor City Council on September 8, 2015

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of September 8, 2015.

Jacqueline Beaudry, City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on September 11, 2015.

Jacqueline Beaudry, City Clerk

