



Legislation Details (With Text)

**File #:** 19-0047      **Version:** 1      **Name:** 1/7/19 - Lawful Taking Statute resolution  
**Type:** Resolution      **Status:** Defeated  
**File created:** 1/7/2019      **In control:** City Council  
**On agenda:** 1/7/2019      **Final action:** 1/7/2019  
**Enactment date:** 1/7/2019      **Enactment #:**  
**Title:** Resolution Regarding "Lawful Taking" Statute  
**Sponsors:** Jane Lumm  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. State Statute.pdf

Date	Ver.	Action By	Action	Result
1/7/2019	1	City Council	Approved	Fail

Resolution Regarding "Lawful Taking" Statute

Whereas, The City has an agreement with White Buffalo, Inc. ("White Buffalo") to provide wildlife management services, which includes deer culling services, to the City related to a research permit from the Michigan Department of Natural Resources;

Whereas, White Buffalo has attempted in recent days to provide such services, including killing and attempting to kill deer at certain approved sites, but the actions of individuals around the work sites have obstructed and interfered with such attempts;

Whereas, It is unlawful pursuant to MCL 324.40112 ("Lawful Taking Statute") for an individual to obstruct or interfere with the lawful taking of an animal as further outlined in that statute;

Whereas, The individuals' actions may be otherwise unlawful; and

Whereas, Section three of the Lawful Taking Statute provides that, "[u]pon petition of an aggrieved person or an individual who reasonably may be aggrieved by a violation of this section, a court of competent jurisdiction, upon a showing that an individual was engaged in and threatens to continue to engage in illegal conduct under this section, may enjoin that conduct."

RESOLVED, That the City Council hereby directs the City Attorney to immediately review the Lawful Taking Statute and other applicable law;

RESOLVED, That the City Attorney promptly determine whether the actions of the individuals who engage or threaten to engage in interfering with White Buffalo's services are unlawful; and

RESOLVED, That if the City Attorney determines that such actions are unlawful, that the City Administrator and City Attorney take any and all appropriate responsive actions, including issuance of citations and the filing of lawsuits seeking an injunction or such other relief that the City Attorney determines appropriate.

Sponsored by: Councilmember Lumm