

Section 1075 Deer Feeding Prohibition

Section 1075:00. Purpose. This Ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the citizens of the City through the management of recreational feeding of white-tailed deer within the City as part of a comprehensive strategy to reduce or eliminate negative impacts experienced as a result of an increasing deer population in the City.

Section 1075:05. Findings.

Subd. 1. Recreational feeding of deer often causes deer concentrations which develop into depredation and other public safety problems;

Subd. 2. 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;

Subd. 3. High deer populations can result in increased car/deer crashes within the community, causing public safety concerns and negative economic impacts such as increased car insurance premium costs;

Subd. 4. High deer densities also contribute to the possible spread of chronic diseases among deer populations and Chronic Wasting Disease; and

Subd. 5. The intent of the City Council is not to unreasonably infringe upon the recreational enjoyment of City residents who observe wildlife and enhance wildlife habitat on their property. However, the purpose of this artificial feeding ban is to eliminate these deer attractions which, when combined with other management strategies, should reduce, over time, the depredation impacts to adjacent residents, as well as assure the safety of the traveling public on City streets and thoroughfares.

Section 1075:10. Prohibition. It shall be unlawful for any person or group to place or permit to be placed on the ground, or within five feet of the ground surface, either on property owned or controlled by such person or on property owned by others, any grain, fodder, fruit, vegetables, nuts, hay or other edible materials, which may reasonably be expected to intentionally result in deer feeding, unless such items are screened or protected in a manner that prevents deer from feeding on them. Also prohibited are salt licks and power or liquid deer attractants, unless legally used for deer management control purposes. Living fruit trees and other live vegetation shall not be considered as deer feeding.

Section 1075:15. Exceptions. This prohibition shall not apply to:

Subd. 1. Veterinarians, City animal control officers or county, state or federal game officials, who are in the course of their duties, have deer in custody or under their management.

Subd. 2. Persons authorized by the City to implement the deer management program approved by the City Council.

Subd. 3. 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 Minnesota Department of Natural Resources.

Subd. 4. Persons feeding birds using self-enclosed feeding devices or containers.

Subd. 5. The use of straw, hay or straw-related materials for erosion control, mulching, gardening or other landscape purposes.

Subd. 6. Persons on property with a livestock operation not intentionally feeding deer. For the purposes of this section, "Livestock Operation" means an operation commonly associated with the keeping of animals, including but not limited to the keeping of horses, cattle or chickens, raised for home use or profit.

Section 1075:20. Enforcement.

Subd. 1. Responsible Authority. The City Police Department and the City Engineering Department shall enforce the provisions of this Ordinance.

Subd. 2. Civil Remedies. This Ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy to eliminate a public nuisance.

Subd. 3. Criminal Penalties. Notwithstanding anything in the City Code to the contrary, a person who violates any provisions of this Ordinance shall be guilty of a petty misdemeanor. The first violation of this Ordinance shall result in a written warning. Any subsequent violation shall result in a citation for the petty misdemeanor offense. Each act of violation and each day a violation occurs or continues is a separate offense. In all cases the City shall be entitled to collect the cost of prosecution to the extent outlined by law, the Rules of Criminal Procedure, and the Rules of Court.

Section 1075:25. Severability. 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 in effect to the maximum extent possible.