

**ORDINANCE NO. 186-092018**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE PROHIBITING THE FEEDING OF DEER WITHIN THE CITY LIMITS; ESTABLISHING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Garden Ridge is authorized to regulate deer feeding pursuant to the general authority granted to the City under Chapter 54 of the Texas Local Government Code; and

**WHEREAS**, the City has within its limits urban deer in such numbers to constitute a significant over population as reflected in deer counts throughout the city; and

**WHEREAS**, the City Council finds that the deer population poses a hazard to motorists in the City, causes a reduction of native plant life and causes damage to landscaping installed by residents of the City; and

**WHEREAS**, the City Council finds that it is appropriate to prohibit the aggravation of this problem and to help abate the issue by prohibiting the feeding of deer so as to not actively encourage their presence;

**WHEREAS**, the City Council finds that efforts to discourage and reduce supplemental feed of deer is in the best interest of the health, safety and general welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS THAT:**

**SECTION 1. FINDINGS.**

The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

**SECTION 2. DEFINITIONS.**

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

**SECTION 3. FEEDING OF DEER PROHIBITED.**

- a) Except as provided in subsection a), 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 City.
- 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 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.

- d) This section does not apply to naturally growing vegetation, or to planted vegetation growing in yards, gardens or beds.
- e) It is a defense to prosecution under this Ordinance if a person places food for the purpose of feeding domestic livestock or pets located on the property.

**SECTION 4. PENALTY.**

It is a Class C misdemeanor for any person to violate any of the provisions of this ordinance and person convicted of a violation shall be punished by a fine of not less than One Dollar (\$1.00) no more than Five Hundred Dollars (\$500.00).

**SECTION 5. CUMULATIVE AND SAVINGS.**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Garden Ridge, Texas, except where the provisions of the ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

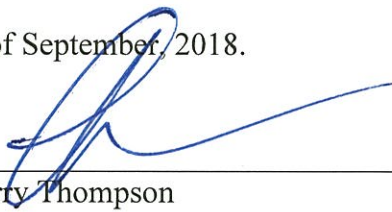
**SECTION 6. SEVERABILITY.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.


**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect from and after its final passage and any publication required by law.

**PASSED AND APPROVED ON** this 5<sup>th</sup> day of September, 2018.

  
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Larry Thompson  
Mayor

ATTEST:

  
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Shelley Goodwin  
City Secretary

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