

**ORDINANCE NO 778**  
**“Ordinance Prohibiting the Use of Automated Deer Feeders”**

**AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, AMENDING CHAPTER 4 (ANIMALS) OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES TO CREATE A NEW SECTION 4-21, *ET SEQ.* RELATING TO THE PROHIBITION AGAINST USING AUTOMATED DEER FEEDERS IN THE CITY LIMITS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING**

**WHEREAS**, the City Council of the City of Granite Shoals, Burnet County, Texas (the “Council”) seeks to provide for the public health, safety and welfare of its citizens; and

**WHEREAS**, on or about March 11, 2014, the Council established a Wildlife Advisory Committee to study the desirability and feasibility of managing the wildlife populations, with emphasis on white-tailed deer, within the City of Granite Shoals (the “City”) consistent with the laws and regulations of the State of Texas; and

**WHEREAS**, the Wildlife Advisory Committee has worked diligently and continues to work diligently to accomplish its purposes; and

**WHEREAS**, the Wildlife Advisory Committee has conducted citizen surveys, deer population surveys, and town hall meetings, and has reviewed data and worked closely with the Texas Parks and Wildlife Department (“TPWD”) to formulate recommendations regarding wildlife management within the City; and

**WHEREAS**, the Wildlife Advisory Committee has recommended that the Council adopt regulations regarding the use of automated deer feeders within City limits; and

**WHEREAS**, the Council finds that, in order to further comply with TPWD recommendations for urban deer management, it is in the best interest of the public to impose reasonable regulations on the use of automated deer feeders;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:**

**SECTION I**  
**FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

## SECTION II AMENDMENT

Chapter 4 (Animals) of the City of Granite Shoals Code of Ordinances is hereby amended to create a new Section 4-21 (Policy Statement Regarding Feeding of Deer Using Automated Feeders), *et seq.* as follows:

### **“Sec. 4-21. Policy Statement Regarding Feeding of Deer Using Automated Feeders.**

It is the City’s policy that prohibiting the feeding of deer within the City limits using automated feeders is necessary and appropriate to protect the public health and safety by reducing the number of deer in residential areas as one component of a comprehensive deer management program. The City shall endeavor to enforce these regulations first through education, then through warnings, then through the imposition of civil penalties, as provided for in the City Code of Ordinances.

### **Sec. 4-22. Use of Automated Equipment For Feeding of Deer Prohibited.**

- (a) Within the City on any public or privately owned land, the use of mechanical, electrical, timer-controlled, containers left unattended, or multi-distribution feeders or devices with a reservoir capable of dispensing grain, livestock food, pellets, or other edible matter that wild deer may consume shall be prohibited.
- (b) For the purpose of this section, all deer shall be deemed to be wild.
- (c) The occasional hand-feeding of deer on a person’s own property will not be prohibited by this provision.
- (d) The prohibition of this section shall not apply to any peace officer, animal control officer, or other agent of the City acting pursuant to a deer control program approved by the City Council.

### **Sec. 4-23. Imposition of civil penalty for violations.**

- (a) A person who unlawfully feeds a deer pursuant to this Ordinance is liable for a civil penalty.
- (b) A person who violates the proscription set forth in this Ordinance commits a Class C misdemeanor punishable under the General Penalty provision, Section 1-10 of the City of Granite Shoals Code of Ordinances, of a fine not exceeding \$500.00 per offense.

**Sec. 4-24. Enforcement; procedures.**

- (a) The Code Enforcement Department (the “Department”) is responsible for the enforcement and administration of this ordinance, in cooperation with the Granite Shoals Police Department.
- (b) In order to impose a civil penalty under this article, the Department shall mail a notice of violation to the individual or property owner liable for the civil penalty not later than the 30<sup>th</sup> day after the date the violation is alleged to have occurred.
- (c) A notice of violation under this article shall contain the following:
  - (1) a description of the violation alleged;
  - (2) the location where the violation occurred;
  - (3) the date of the violation;
  - (4) the amount of the civil penalty to be imposed for the violation (not to exceed \$500.00);
  - (5) the date by which the civil penalty must be paid; and
  - (6) information that informs the person named in the notice of violation:
    - (A) of the person’s right to contest the imposition of the civil penalty against the person in and administrative adjudication;
    - (B) of the manner and time in which imposition of the civil penalty may be contested;
    - (C) that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and that failure to appear at a municipal court hearing after having requested a hearing is an admission of liability; and
    - (D) that failure to pay the civil penalty within the time allowed shall result in the imposition of a late-payment fee of \$25.00.
- (d) A notice of violation under this article is presumed to have been received on the third day after the date the notice of violation is mailed.
- (e) In lieu of issuing a notice of violation, the Department may mail a warning notice to the owner that, in addition to any other information contained in the warning notice, must contain the information required by subsection (c).

**Sec. 4-25. Effect of liability; exclusion of civil remedy.**

- (a) The imposition of a civil penalty under this division is not a criminal conviction for any purpose.
- (b) A civil penalty may not be imposed under this ordinance if the individual or property owner was arrested or was issued a municipal court summons for the same violation pursuant to this ordinance.
- (c) An individual or property owner who fails to pay the civil penalty or to timely contest liability for the penalty is considered to admit liability for the full amount of the civil penalty stated in the notice of violation mailed to the person.
- (d) The city attorney is authorized to file suit to enforce collection of a civil penalty imposed under this article.”

**SECTION III  
SAVINGS**

Any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION IV  
SEVERABILITY**

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

**SECTION V  
REPEALER**

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

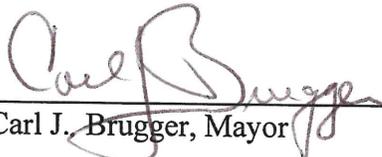
**SECTION VI  
EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law. Penalties will not be assessed pursuant to this ordinance until two months after the effective date.

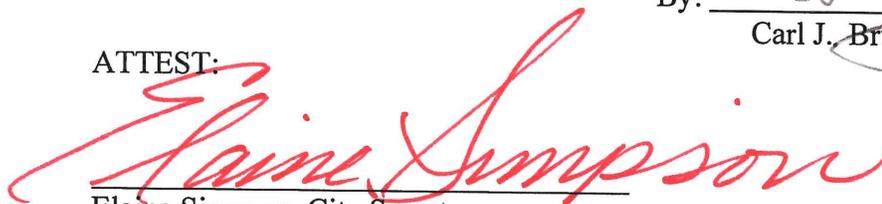
**SECTION VII  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

READ, PASSED, AND ADOPTED THIS 14<sup>th</sup> DAY OF January, 2020

By:   
Carl J. Brugger, Mayor

ATTEST:

  
Elaine Simpson, City Secretary

APPROVED AS TO FORM:

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Josh Katz, City Attorney