

WHEREAS, the City of Rushford has been approached by residents regarding the need to regulate the influx of white-tailed deer throughout the City limits, and

WHEREAS, the deer are determined to be a nuisance causing damage to crops and landscape plants and are a concern to the public health, safety and welfare of the community,

NOW, THEREFORE, the following Ordinance will serve to protect, preserve and promote the health, safety and welfare of the citizens of the City of Rushford 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.

CHAPTER 96: DEER FEEDING PROHIBITION

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**AN ORDINANCE RELATING TO THE PROHIBITION OF DEER FEEDING
IN THE CITY OF RUSHFORD**

THE CITY OF RUSHFORD ORDAINS:

SECTION 96.01 FINDINGS

- 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 and negative economic impacts such as increased car insurance premium costs.
- D. High deer densities also contribute to the possible spread of chronic diseases among deer populations and Chronic Wasting Disease.

SECTION 96.02 PURPOSE/INTENT

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. 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 96.03 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 powder 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 96.04 EXCEPTIONS

This prohibition shall not apply to:

- A. Veterinarians, City Police officers 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 to implement the deer management program approved by the City Council
- 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 Minnesota Department of Natural Resources.
- D. Persons feeding birds using self-enclosed 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 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 chickens raised for home use

SECTION 96.05 INVESTIGATION & ENFORCEMENT

For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any Rushford Police Department, other law enforcement service or agent of the City with prior approval of the City Council is empowered to enter upon any premises to investigate or inspect the premises for prohibited deer feeding activities to eliminate the public nuisance. This section may be enforced by injunction, action for abatement, or other appropriate civil remedy to eliminate a public nuisance.

SECTION 96.06 VIOLATIONS & PENALTIES

Notwithstanding anything in City ordinances to the contrary, a person who violates any provisions of this Section shall be guilty of a petty misdemeanor punishable according to petty misdemeanor limits as established from time to time by the State of Minnesota. The first violation shall result in a written warning. A 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 investigation.

SECTION 96.07 SEVERABILITY & SAVINGS CLAUSE

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or portion of this ordinance.

SECTION 96.08 ADOPTION

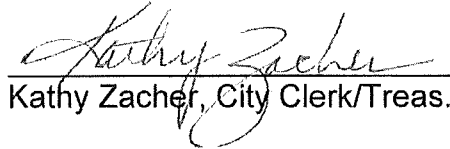
This ordinance shall be in full force and effect from and after its passage and publication, as provided by law.

Adopted by the Rushford City Council this 12th day of August, 2013.



Mayor Chris Hallum

Attest:


Kathy Zacher, City Clerk/Treas.

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