

**ORDINANCE NO. 2015-23**

**AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 14, ADDING ARTICLE VIII, SECTIONS 14-190 THROUGH 14-193, FEEDING OF WILD ANIMALS; PROVIDING FOR SEVERABILITY AND OPEN MEETINGS CLAUSES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER RELATED MATTERS.**

**WHEREAS**, the City of Burnet has a significant wild animal population that has been increasing; and

**WHEREAS**, the City wild animal population in the City poses a hazard to citizens, pets and motorists in the City, causes a reduction in plant life and landscaping installed by residents and commercial landowners of the City; and

**WHEREAS**, the feeding of wild animals has been shown to increase the concentration of wild animals in the area of feeding, thereby increasing the likelihood of engagement with citizens, pets and motorists which may result in injury or death; and

**WHEREAS**, the feeding of wild animals has been shown to encourage them to remain in urbanized areas and to become reliant on non-native food sources that may not be sustainable or healthy; and

**WHEREAS**, the City Council finds that the adoption of an ordinance regulating the intentional feeding of certain wild animals promotes the health, safety and welfare of the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT;**

**Section. 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section. 2. Amendment.** Article VIII, Sections 14-190 through 14-193 Feeding of Wild Animals of the City of Burnet Code of Ordinances shall be added as follows:

Sec. 14-190 – Definitions

*City* means the City of Burnet, Texas, a municipal corporation in the state of Texas.

*City Manager* means the city manager of the City of Burnet or his/her designee.

*Food* means any human or animal food, including, but not limited to, pelleted forage feed, hay, salt, forage product or mineral supplements, grain, seed, garbage, and other food sources and attractants, but does not include incidental food sources such as lawns, gardens, and nuts or berries that may have fallen to the ground from trees or shrubs.

*Wild animal* means any animal which is not normally domesticated in this state, including but not limited to coyotes, turkeys, raccoons, skunks, foxes, deer, and feral hogs.

#### Sec. 14-191 Feeding of Wild Animals Prohibited

- (1) No person shall purposely or knowingly provide Food, bait, or in any manner provide access to Food to any Wild Animal within the city limits of the City of Burnet.
- (2) No person shall purposely or knowingly leave or store any refuse, garbage, Food product, pet food, or forage product in a manner that would attract a Wild Animal in a manner which would violate this section.

#### Sec. 14-192 Exceptions

- (1) This section does not apply to:
  - a. feeding of deer where feeding occurs no closer than one-hundred (100) feet from a public roadway
  - b. feeding of squirrels
  - c. feeding of cats
  - d. feeding of birds (excluding turkeys, and predatory or carnivorous birds)
  - e. naturally growing materials, including but not limited to trees, bushes, fruit, grain, seeds and vegetables
  - f. planted materials growing in gardens or beds, or as standing crops
  - g. stored crops provided that the stored crop is not intentionally made available to the Wild Animal
  - h. feeding that is authorized by the City Manager on a temporary basis for a specific public purpose
  - i. 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 Wild Animals and who is acting in the scope of the person's authority
- (2) Any feeding authorized under this sub-section must occur on property owned or controlled by the individual performing such feeding, or with the property owner's consent.

#### Sec. 14-193 Penalties

First time violators of this section shall receive a written warning. Thereafter, a person who violates this section shall be fined not less than \$100 or more than \$500 for each offense, together with the costs of prosecution. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues to occur. This paragraph does not preclude the City from taking appropriate action to abate, prevent or remedy a violation of any provision of this section.

**Section 3. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

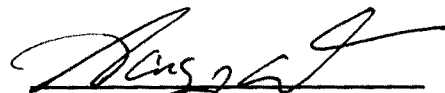
**Section 4. Effective Date.** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**Section 5. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

**PASSED AND APPROVED** on first reading this the 10<sup>th</sup> day of November, 2015.

**FINALLY PASSED AND APPROVED** on this the day of 9<sup>th</sup> day of February, 2016.

**CITY OF BURNET, TEXAS**

  
\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kelly Dix, City Secretary