

ORDINANCE NO. 01-72B

AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS PROHIBITING THE FEEDING OF DEER, PROHIBITING INTERFERENCE WITH CITY-AUTHORIZED DEER TRAPPING; ESTABLISHING A PENALTY OF FIVE-HUNDRED DOLLARS (\$500.00); PROVIDING OPEN MEETINGS, SEVERABILITY CLAUSES AND ESTABLISHING AN EFFECTIVE DATE.

Whereas, the City of Woodcreek (herein the "City"), Texas, is located in the portion of Texas known as the Hill Country that has a significant population of whitetail deer;

Whereas, the deer roam freely throughout the City and upon all streets, roadways and properties, both public and private, within the City;

Whereas, the deer represent a significant traffic hazard, a significant health problem, including the problems of defecation on residential and golf course property and disposing of dead deer, and are destructive to the properties where they graze, damaging plants, grass, flora and trees;

Whereas, the City Council, at an open meeting accepted public comments and discussion, and determined that the City-authorized removal of deer would help reduce the overpopulation of deer and protect the health, safety and general welfare of the citizens; and

Whereas, prohibiting the feeding of deer during periods when deer are being trapped will improve the effectiveness of the trapping program;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, 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. Feeding of Deer Prohibited. It shall be unlawful for any person to intentionally or knowingly feed any whitetail deer, or any other member of the deer family, within the City limits. Intentionally or knowingly feeding shall consist of, but not be limited to, having an established receptacle within which corn, maize, oats, commercial mixes of any kind or any other vegetable matter that is not a live and growing plant, is maintained for the feeding of deer in the City; physically handing any food product to a deer; intentionally or knowingly leaving deer food in an area where deer commonly feed; and any other activity wherein a food commonly eaten by deer is placed or left with the intent to feed deer.

Section 3. Interference with Deer Trapping Prohibited. It shall be unlawful for any person to intentionally or knowingly interfere with the City-authorized deer trapping efforts. Intentional or knowing interference shall consist of, but not be limited to, tampering with any trapping equipment or nets, deterring deer from a trapping area physically or with the use of noise, removing deer feed left by City personnel or other authorized persons to attract deer to a trapping area or permitting dogs to enter the trapping area.

Section 4. Enforcement. The Mayor, or his designee, and members of the Hays County Sheriff's Office, both regular and reserve officers, are empowered to enforce this Ordinance.

Section 5. Penalties. Any person convicted of violating any provisions of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed Five-Hundred Dollars (\$500.00) per occurrence.

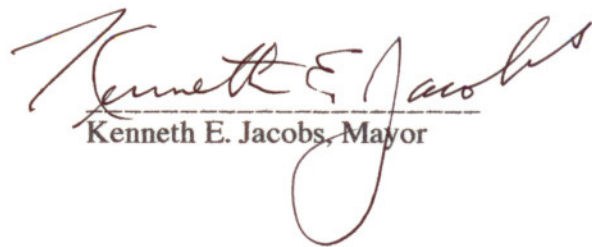
Section 6. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in 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 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication with the provisions of the *Tex. Loc. Gov't. Code*.

Section 8. 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. 511, Tex. Gov't Code*.

PASSED AND APPROVED this the 10th day of April 2002.

City of Woodcreek, Texas


Kenneth E. Jacobs, Mayor

ATTEST:


Peg Tharp, City Secretary

Ordinance 01-72 passed January 24, 2001
Ordinance 01-72A passed October 24, 2001