

ORDINANCE NO. 1348

AN ORDINANCE OF DRAPER CITY AMENDING DRAPER CITY MUNICIPAL CODE CHAPTER 7-5-300 PROHIBITING THE FEEDING OF DEER, ELK OR MOOSE WITHIN DRAPER CITY LIMITS.

WHEREAS, Draper City desires to adopt an Urban Deer Control Plan pursuant to State of Utah Regulation R657-65; and

WHEREAS, the Utah Division of Wildlife Resources may issue Draper City a certificate of registration for its Urban Deer Control Plan if the City complies with R657-65; and

WHEREAS, one of the requirements of R657-65 is Draper City must enact an ordinance prohibiting the feeding of deer, elk, and moose; and

WHEREAS, the City Council of Draper City finds that a prohibition against feeding deer, elk, and moose located in Draper City will decrease property damage to gardens and landscaping and the potential for loss of life, bodily injury, and property damage as a result of vehicle accidents with deer, elk; and moose and is an essential element to the City's Urban Deer Control Plan; and

WHEREAS, the City Council of Draper City previously passed Ordinance 1326 enacting Chapter 7-5-300;

WHEREAS, the City Council of Draper City has determined that amending Chapter 7-5-300 to make corrections thereto will promote the public's health, wealth and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Chapter 7-5-300 of the Draper City Municipal Code is hereby amended as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon its publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

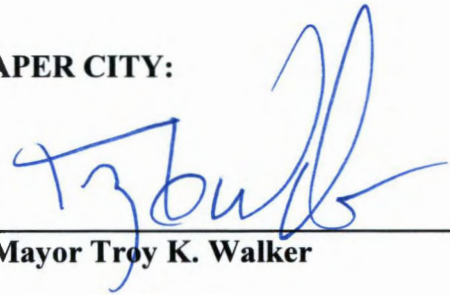
PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS 4th DAY OF SEPTEMBER, 2018.

ATTEST:

DRAPER CITY:



Rachelle Conner, MMC, City Recorder



Mayor Troy K. Walker



VOTE TAKEN:

Councilmember Green

Councilmember Lowery

Councilmember Summerhays

Councilmember Vawdrey

Councilmember Weeks

Mayor Walker

YES

NO





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	_____
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_____	_____

EXHIBIT A

COMPLETE PROPOSED TEXT

Chapter 7-5 FEEDING OF UN-DOMESTICATED WILDLIFE

Sections:

7-5-300 Intentional Feeding of Wild Deer, Elk or Moose.

- A. Except as provided in subsection C, it is unlawful for any person to intentionally feed deer, elk, or moose or make food available for consumption by deer, elk, or moose on private or public property. Food includes any fruit, grain, mineral, salt, vegetable, or other material placed outdoors for consumption by deer, elk, or moose.
- B. It shall be presumed that the placement of fruit, grain, hay, vegetable, minerals, salt, or other food or material in aggregate volume of more than one-half (1/2) gallon and at height of less than six feet (6') off the ground, or in any drop feeder, automatic feed, or similar device regardless of height, is for the purpose of feeding deer, elk, or moose in violation of this section. This presumption may be overcome through the presentation of reasonable evidence that the placement of such materials is for a purpose other than the feeding of deer, elk, or moose. Naturally growing plants, gardens, residue maintained as a mulch pile, and bird feeders designed or placed to limit access to deer, elk, or moose are not prohibited under this section.
- C. Subsection (A) does not apply to:
1. Public employees or authorized agents acting within the scope of their employment for public safety or wildlife management purposes;
 2. Normal agricultural or livestock operation practices; or
 3. Recreational feeding of wild song birds, hummingbirds, or passerine birds in a manner that does not attract deer, elk, or moose in such numbers or circumstances to cause property damage, endanger any person, or create public health concerns.

To be published on Wednesday, September 12, 2018, in the *Salt Lake Tribune* and *Deseret News*

City of Draper Notice of Ordinance Adoption – On September 4, 2018, the Draper City Council approved Ordinance #1348, Prohibiting the Feeding of Undomesticated Animals. The complete ordinance is on file at the Draper City Recorder’s Office and online at www.draper.ut.us. Published this 12th day of September, 2018. Rachelle Conner, Draper City Recorder.

