

CITY OF DALTON GARDENS, IDAHO

ORDINANCE NO. 240

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, MAKING IT UNLAWFUL TO INTENTIONALLY FEED, PROVIDE FEED OR OTHER ATTRACTANTS, TO DEER WITHIN THE CITY LIMITS, AND AUTHORIZING THE CITY OR THE CITY'S DESIGNEE TO ENFORCE THIS ORDINANCE; REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO:

SECTION 1: PURPOSE. The City hereby determined that an increasing population of deer within the city poses a threat to public safety by increasing the likelihood of deer-vehicle collisions, direct deer-human and deer-pet conflicts, the risk of attracting increased predator populations, potential transmission of disease to humans from deer; poses a threat of damage to ornamental plants and gardens, and over browsing of limited existing natural habitat. This Chapter is intended to reduce these threats by restricting supplement and intentional feeding of deer, which results in unnatural concentrations of deer and can affect the normal movement of deer within the community.

SECTION 2: DEFINITIONS. As used in this ordinance, unless the context otherwise indicates, the following terms shall have these meanings:

- A. "Attractant(s)" means any substance, including but not limited to, food, garbage, or salt lick, which draws deer to a particular location.
- B. "Feed" means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract deer.
- C. "Feeding" means the intentional depositing, distributing, or tending of feed in an area frequented by deer.

SECTION 3. CONDUCT DECLARED UNLAWFUL.

- A. No person shall purposely, knowingly or intentionally provide access to feed (as defined in Section 2B) to any deer in the City, on lands either publicly or privately owned.
- B. It is unlawful to intentionally feed, provide feed or other attractants, excluding fruit trees, ornamental plants, vegetable gardens and properly hung bird feeders, to deer within the city limits. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, grain in a manner that would constitute an attractant to any deer.

- C. Nothing in this section shall apply to (1) any agent of the city authorized to implement an alternative control method set forth in any approved community based deer management plan endorsed by the State of Idaho Fish and Game Department in accordance with the provisions of Idaho Statutes on wildlife or (2) any hunter engaging in hunting pursuant to a valid hunting license issued in accordance with the provisions of the Dalton Gardens Municipal Code and Idaho Statutes.

SECTION 4 EXCEPTIONS. This section shall not apply to the feeding of domestic livestock.

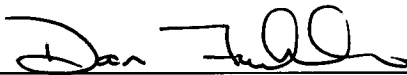
SECTION 5 INVESTIGATIONS AND COMPLAINTS. Upon receipt of a complaint alleging the illegal feeding of deer, the City shall investigate the complaint to determine if there has been a violation of this ordinance.

SECTION 6 CITATIONS AND PENALTIES. Any City representative or law enforcement officer observing or upon investigation, determining that a violation of this ordinance has occurred shall:

- A. On the first substantiated violation, the property owner shall be cited by the City for a violation with a warning that subsequent violations will incur a monetary penalty. As part of the citation, the property owner shall be encouraged to visit the city office for educational materials.
- B. On the second separate violation and any subsequent substantiated violations, the City or designee shall issue an infraction citation describing such violation and allowing the person cited to post and forfeit the sum of (1) ONE HUNDRED DOLLARS (\$100.00).
- C. **SECTION 7. SEVERABILITY.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 8 Upon passage and approval and publication in one (1) issue of the Coeur d'Alene Press, the official newspaper of the City of Dalton Gardens, Idaho, this Ordinance shall be in full force and effect.

PASSED under suspension of the rules, at which a roll call vote was taken at regular meeting of the city council of the City of Dalton Gardens, Kootenai County, Idaho, and this 4th of December, 2014.



DAN FRANKLIN, Mayor

ATTEST:

Valerie Anderson

VALERIE ANDERSON, Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Chantell White being first duly sworn
upon oath deposes and says:

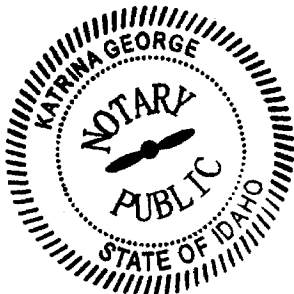
1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Friday issue of said newspaper for one consecutive Day commencing on the 12 day of December, 20 14, and ending on the 12 day of December, 20 14, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Chantell White. On this 12 day of December in the year of 2014, before me, a Notary Public, personally appeared Chantell White, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Katrina George
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 8/29/17

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IDAHO

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/s/
DAN FRANKLIN, Mayor

ATTEST:

/s/
VALERIE ANDERSON, Clerk
Legal 2073
December 12, 2014

