

ORDINANCE PROHIBITING THE FEEDING OF DEER

Section I. Title/Purpose. This Ordinance is entitled “Prohibiting the Feeding of Deer Ordinance.” The purpose of this Ordinance is as follows:

To promote the safety, health and general welfare by regulating the feeding of deer in the Town of Shelby.

Section II. Adoption of Ordinance. The Town Board of the Town of Shelby hereby adopts the following:

A. No person may place or allow any device or any fruit, grain, mineral, plant, salt, vegetable or other material to be placed outdoors on any public or private property for the purpose of feeding or attracting deer.

1. There is a rebuttal presumption that the placement of fruit, grain, mineral, salt, plant, vegetable or other materials in an aggregate quantity of more than two (2) quarts at a height of less than five (5) feet off the ground is for the purpose of feeding deer.

2. There is a rebuttal presumption that the placement of fruit, grain, mineral, salt, plant, vegetable or other materials in a aggregate quantity of more than two (2) quarts in a drop feeder, automatic feeder or similar device regardless of the height of the fruit, grain, mineral, salt, plant, vegetable or other material is for the purpose of feeding deer.

3. Each property owner shall remove any materials placed on the owner’s property in violation of this ordinance. Failure to remove such materials within 24 hours of notice from the Town shall constitute a separate violation of this Ordinance.

4. Each property owner shall remove any device placed on the owner’s property to which deer are attracted or from which deer actually feed. Alternatively, a property owner may modify such a device or make other changes to the property that prevent deer from having access to or feeding from the device. Failure to remove the device or make necessary modifications within 24 hours of notice from the Town shall constitute a separate violation of this Ordinance.

B. Exceptions.

1. Naturally growing materials. This Ordinance does not apply to naturally growing materials, including but not limited to fruit, grain, seeds and vegetables.
2. Planted materials. This Ordinance does not apply to planted materials growing in gardens or beds, as standing crops or in a wildlife food plot.
3. Stored crops. This Ordinance does not apply to stored crops provided that the stored crop is not intentionally made available to deer.
4. Incidental spills. This Ordinance does not apply to spill of seed materials intended for planting or to crop materials that have been harvested, if the spills are incidental to normal agricultural operations and such materials are not intentionally made available to deer.
5. Agricultural feed bunks. This Ordinance does not apply to feeders used by farmers for domestic livestock.
6. Authorized by Town Administrator. This Ordinance does not apply to feeding that is authorized by the Administrator on a temporary basis for a specific public purpose.
7. Baiting. This Ordinance does not apply to bait piles used to attract deer for the purpose of hunting or harvesting as allowed by the State of Wisconsin and regulated by Department of Natural Resources.

Section III. Penalty. Any person violating any provision of this Ordinance shall be fined Forty Dollars (\$40), each day of violation constituting a separate offense. This paragraph does not preclude the Town from taking any appropriate action to abate, prevent or remedy a violation of any provision of the section.

ORDINANCE 3.09

Section IV. Effective date. This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: March 22, 2010

Lynnetta P. Kopp, Town Chair

Randall R. Knapp, Town Supervisor

John O. Zahn, Town Supervisor

ATTEST:

Catherine Brott, Town Clerk