

## **TITLE 16. ANIMAL CONTROL AND REGULATIONS.**

### **CHAPTER 16-600. Deer Control Regulations**

**16-601. Purpose of Chapter.** The regulations hereinafter set forth in this chapter are intended to help regulate the excessive population of deer within the city boundaries. It is recognized that deer naturally inhabit the area but too many deer living in the city can be dangerous to traffic, a nuisance to home owners and their landscaping and gardens and can be unhealthy and harmful to the deer themselves. The control of the urban deer herd is accomplished through a combination of a variety of separate actions including but not limited to: 1) a deer trapping and relocating or culling program, 2) allowing residents to protect their property from deer by allowing reasonable deer fences to be constructed if residents desire to do so, and 3) regulating unauthorized feeding of deer within the city limits. The violation of any of the provisions of the ordinances in Chapter 16-600 shall be an infraction.

### **16-602. Definitions:**

- (1) Deer - Mule Deer. Applies also to White-Tailed deer if present.
- (2) Deer Fence - A fence constructed with certain features including its material and height, and placed in such location and height to discourage deer from crossing it to gain access to a piece of property intended to be protected. A deer fence need not be made out of deer fencing material, in whole or in part, to be considered a deer fence.
- (3) Deer Fencing Material - Fencing material either specifically designed for controlling and barricading deer and other predators or more standard fencing material equally capable of doing so. Such material may be installed as either a stand-alone deer fence or the deer fencing material may be added to other fences and/or fencing material. The following types of materials are approved as deer fencing material:
  - (A) Plastic/Polyresin Deer Fencing in earth or neutral colors (green, black, or brown)
  - (B) Galvanized or Stainless Steel Wire Fencing made of 14 gauge wire or larger.
  - (C) PVC-Coated Steel Fencing in earth or neutral colors (green, black, or brown) made of 16 gauge wire or larger.
  - (D) Vinyl Fencing

The following fencing materials are non-exclusive examples of materials not approved as deer fencing material:

- (A) Contractor Sand/Snow fence (Usually orange)
- (B) Galvanized Steel Hardware Cloth
- (C) Poultry netting

**16-603. Deer Trapping Program.** The Chief of Police may authorize, at his own discretion, and the Animal Control Officer shall administer, a Deer Trapping Program within the City.

- (1) The trapping of deer shall be allowed in the City only in accordance with the Deer Trapping Program established by the City and any other required regulations and authorizations from applicable State regulatory agencies.

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- (2) The Deer Trapping Program shall be administered by a regulating document to be approved by resolution of the City Council and shall include, as a minimum, the following:
- (A) The manner by which those to be handling the trapped deer are selected and trained; and
  - (B) The manner by which the trapped deer are to be relocated or culled and by whom; and
  - (C) The manner by which the number and sex of deer to be relocated or culled are to be determined; and
  - (D) The manner by which the locations for the traps are to be selected; and
  - (E) The manner by which the City will be protected from liability, lawsuit and/or other harm done by this program, as much as reasonably possible; and
  - (F) The manner by which this program will be financed.

### **16-604. Deer Control Fencing Regulations.**

- (1) Deer Fences Allowed. Fences may be installed higher than six feet only if their purpose is designated as a deer fence and provided such fences comply with the requirements of this chapter. Any deer fence that is six feet (6') or more in height, shall require a building permit and its installation verified to be correct by a city official authorized to do so. The following types and combinations of fencing are permitted as deer fences:
- (A) Any fence or fencing material if the height of the fence is six feet (6') or less.
  - (B) Any fence over six feet in height provided that any portion of the fence above the six foot height is either:
    - 1. constructed with Deer Fencing Material as defined in paragraph 16-601 (3), or
    - 2. constructed of material similar to the bottom part of the fence provided that such fencing material can be shown to be at least as strong as the any of the fencing material listed in paragraph 16-601 (3) and constructed to not cause a safety hazard for a deer; and
    - 3. in either case constructed such that at least 50% of the face of the fence above six feet (6') is open. In other words, "privacy fences" or the privacy portions of fences are only allowed to a height of six feet (6').
  - (C) Deer fences up to eight feet (8') in total height may only be located to the rear of the front set back line for the lot. The front set back line for the lot shall be that line that is established by the land use zone for the subject property.
  - (D) Deer fences up to ten feet (10') in total height may be located on residential lots by conditional use permit.
- (2) Deer Fence Construction. Deer fencing material must be securely supported by posts or attached to existing fencing and shall be installed in accordance with the manufacturer specifications. The measurement of the height of the deer fence shall be measured from the ground and include the height of any fence to which it may be attached. Deer fencing material may not be attached to trees.
- (3) Deer Fence Maintenance. Deer fencing and its installation shall be maintained in good condition and subject to periodic inspection by a designated city officer to ensure that it has not

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deteriorated, come loose or has otherwise become a visual nuisance or hazard to people or animals.

**16-605. Unauthorized Feeding of Deer.** The attracting and feeding of deer within the City limits results in the deposit of refuse, debris, fecal matter and other offensive substances and in the attraction of predatory wildlife. It also creates traffic hazards, property damage, and nuisance and annoyance of other persons. Unless otherwise expressly permitted by law, no person shall deposit, place, distribute or leave any fruit, grain, hay, vegetable, salt, or other food, of any kind or nature, with the intent to attract or feed deer on public or private lands.

- (1) A property owner shall immediately remove any materials placed on their property by others in violation of this section.
- (2) There shall be a rebuttable presumption that the placement of fruit, grain, hay, vegetable, minerals, salt, or other food in aggregate volume of more than one-half gallon at a 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 in violation of this section. Naturally growing plants, gardens, residue maintained as a mulch pile, and bird feeders designed or placed to limit access to deer, are not prohibited under this section.
- (3) The provisions of this Ordinance shall not apply to any resident or agent of the City authorized to implement a wildlife management program and who possesses the necessary permits from the State of Utah, nor shall it apply to any public officer or public employee in the performance of his duties. The provisions of this Ordinance shall not apply to the feeding of domestic animals.
- (4) The Chief of Police or the Animal Control Officer may authorize temporary feeding for the purposes of counting the deer population, baiting deer traps, or other public purposes.
- (5) City officials shall issue a written warning for the first offense under this section. Thereafter, offences shall be subject to standard procedures for ordinance violators. The violation of this ordinance shall be an infraction.

(Ord. 14-02)