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ITEM # 255
DATE 10-9-07

COUNCIL ACTION FORM

SUBJECT: URBAN DEER MANAGEMENT PROGRAM – PROPOSED DEER FEEDING ORDINANCE

BACKGROUND:

The community of Ames, like many other urban areas, has experienced an increase in its deer population. In the 2006 Report to the City Council, the Urban Deer Task Force recommended a City ordinance that bans the intentional feeding of deer. The intent of this ordinance is to avoid attracting deer into neighborhoods where they have become a nuisance and a hazard. This was one of ten recommendations for addressing the impact of deer within the community. According to our local ISU Extension Service Wildlife Biologist, feeding tends to do two things: Concentrate deer in an area around the feeder, thus encouraging dense populations in one area where they eat other things, as well; and raise the carrying capacity of an area, so more deer come into the area.

The City Attorney has prepared an ordinance that prohibits intentional feeding of deer. Specifically, the ordinance prohibits placing feed or minerals in quantities larger than one-half gallon at a height lower than six feet. It also prohibits automatic or “drop-feeders” which have a quantity larger than one half gallon of feed. This ordinance is consistent with the actions of several other cities that have addressed this issue.

The ordinance does not apply to naturally growing materials in gardens, ornamental plantings, or garden residue in mulch piles. The ordinance also exempts commercially purchased bird feeders.

ALTERNATIVES:

1. Accept the proposal to regulate the feeding of deer within the City and schedule a first reading of the proposed ordinance.
2. Modify the proposal to regulate deer feeding within the City by changing the approved height or volume of feed allowed.
3. Do not approve the proposal to regulate deer feeding within the City.

MANAGER’S RECOMMENDED ACTION:

Although the presence of deer may provide some recreational viewing within certain areas of the city, the neighborhood concerns associated with damage to plantings,

traffic hazards and other problems has led the Task Force to recommend a variety of strategies to monitor the deer population and reduce high concentrations of deer. Deer feeding can attract large numbers of deer, particularly in the winter months. By prohibiting intentional deer feeding, the ordinance will discourage those activities that concentrate deer and exacerbate this problem.

Therefore, it is the City Manager's recommendation that the City Council accept Alternative No. 1 and schedule the first reading of an ordinance to prohibit the feeding of deer.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW DIVISION VII AND NEW SECTION 3.701 THEREOF, FOR THE PURPOSE OF REGULATING THE FEEDING OF DEER WITHIN THE CITY LIMITS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Division VII and Section 3.701 as follows:

DIVISION VII.

“Sec. 3.701. FEEDING OF DEER.

No person may place any salt, mineral, grain, fruit, or vegetable material outdoors on any public or private property within the City limits for the purpose of feeding deer. Prohibited items include, but are not limited to, salt, corn, apples, cabbage, potatoes, acorns, oats carrots, beets, straw, hay, fodder, or any combination thereof. No person shall intentionally feed, or cause to be fed food or other substances for the consumption of deer.

(1) There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding deer:

(a) The placement of salt, mineral, grain, fruit, or vegetable material in an aggregate quantity of greater than one-half gallon at the height of less than 6 feet.

(b) The placement of salt, mineral, grain, fruit, or vegetable material in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder, or similar device regardless of the height of the material.

(2) This section shall not apply to the following situations

(a) Naturally growing materials. Naturally growing grain, fruit or vegetable material, including gardens, ornamental plants, and residue for lawns, gardens, and other vegetable material maintained as a mulch pile.

(b) Bird Feeders. Unmodified commercially purchased bird feeders or their equivalent used only for the purpose of feeding birds.

(c) Authorized by the City Council or the Special Urban Deer Task Force. Deer feeding may be authorized on a temporary basis by the City Council or the Special Urban Deer Task Force for a specific public purpose as determined by the Council or Task Force.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, 2007.

Diane R. Voss, City Clerk
O0949

Ann H. Campbell, Mayor