

ORDINANCE NO. 323

AN ORDINANCE TO PROHIBIT THE FEEDING OF DEER WITHIN THE CITY OF BESSEMER

An Ordinance to forbid the feeding of deer within the City of Bessemer.

THE CITY OF BESSEMER ORDAINS:

SECTION 1. DEFINITIONS

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Deer means a ruminant animal having deciduous antlers, usually in the male only.

Feed or feeding means the intentional act of furnishing, or otherwise making available, food or other substance which is likely to be consumed by deer.

Natural means food or other substances consumed by deer produced by, or existing in nature, not artificial.

SECTION 2. PROHIBITION OF FEEDING

No owner or occupier of land within the City of Bessemer shall intentionally feed, cause to be fed or provide or make available food or other substances for the consumption by deer within the city, either on private property or on public property. Feeding deer the following food is expressly prohibited: salt, corn, apples, cabbage, potatoes, acorns, oats, carrots, beets, straw, hay, fodder or any combination thereof.

SECTION 3. EXCEPTION

This Ordinance shall not apply to any corn, apples, cabbage, potatoes, acorns, oats, carrots, beets, straw, hay, fodder or any combination thereof which is natural to that particular land owned or occupied where feeding of deer is occurring. For example, by way of illustration only, this Ordinance shall not apply to apples or acorns generated from an apple tree or oak/acorn tree located upon the subject premises or carrots and corn grown in a garden located upon the subject premises. However, it will be presumed that an owner or occupier of land fed deer contrary to this Ordinance, if any salt, corn, apples, cabbage, potatoes, acorns, oats, carrots, beets, straw, hay, fodder or any combination thereof is found at said premises.

SECTION 4. PENALTY

Any person violating any provision of this Ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50.00 plus costs, for the first violation.

Any repeat offense shall be subject to increased fines as follows:

1. First repeated offense shall be \$100.00 plus costs.
2. A fine for second repeated offense or any subsequent offense shall be \$150.00 plus costs.

SECTION 5. SEVERABILITY

The sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the Courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole.

This Ordinance shall become effective immediately upon publication thereof.

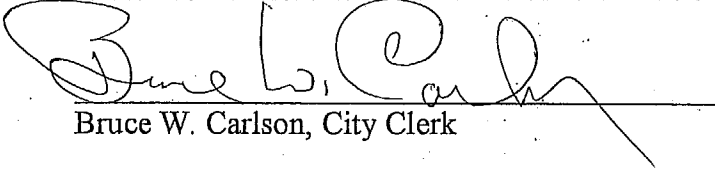
FIRST READING: June 28, 2004
SECOND READING: July 12, 2004

YES: MATONICH, FRELLO, OLSEN AND CARPENEDO.
NO: NONE.
ABSTAINING: NONE
ABSENT: MCDONALD.

(Seal)

Adopted and approved by the City Council of the City of Bessemer, County of Gogebic, Michigan on the 12 day of JULY, 2004.

Attested:


Bruce W. Carlson, City Clerk