

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS; AMENDING THE LEON VALLEY CODE OF ORDINANCES CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.09 PARKS AND RECREATION, DIVISION 1 GENERALLY, PETS AND OTHER ANIMALS SEC. 1.09.036(e); TO PROHIBIT THE FEEDING OF DEER IN CITY PARKS AND DRAINAGE WAYS; PROVIDING A REPEALER; SEVERABILITY; SAVINGS; AN EFFECTIVE DATE; NOTICE OF MEETING; AND A PENALTY CLAUSE.

WHEREAS, the City has a large white-tail and Axis deer population that travel throughout the city, but congregate primarily in city-owned parks and drainageways; and

WHEREAS, numerous citizens feed the deer that are located on public lands, which causes the deer to be unafraid of humans by learned behavior, potentially leading to injuries to persons and damage to vehicles and property; and

WHEREAS, supplemental feeding of deer is of little or no benefit to the deer, as the most popular feed used is corn, which is low in protein and high in carbohydrates and does not provide adequate protein levels needed for development of bone and muscle; and

WHEREAS, commercially available corn may contain Aflatoxin, a fungi produced toxin, which is usually produced when corn or peanuts are grown under stress such as drought conditions (high temperatures and low soil moisture), and this toxin can pose a serious problem when wildlife species have access to contaminated fields (primarily waterfowl);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

SECTION 1. Chapter 1 General Provisions, Article 1.09 – Parks and Recreation, Division 1 Generally, Pets and Other Animals Sec. 1.09.036(e), is here by revised as follows:

“Sec. 1.09.036 (e) It shall be unlawful to **feed**, harm, disturb, trap, confine, catch, possess, or remove any wildlife from city parkland, natural area, trails or city-owned Huebner Creek or related drainage areas except as specifically authorized by the city.”

SECTION 2. REPEALER CLAUSE. The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

SECTION 3. SEVERABILITY CLAUSE. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of

circumstances shall not be affected thereby, it being the intent of the City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

SECTION 4. SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

SECTION 6. NOTICE OF MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 7. PENALTY. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 1.01.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 4th day of April, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney