

CITY OF MEDICAL LAKE ORDINANCE NO. 1031

An ordinance of the City of Medical Lake, Washington adding Chapter 7.06 to the Medical Lake Municipal Code prohibiting the feeding of deer, elk and moose within the City of Medical Lake, providing penalties for violation, and providing for the effective date thereof.

WHEREAS, the City of Medical Lake, Washington, is surrounded by farmland and other open spaces; and

WHEREAS, the City Council recognizes that there is a significant population of deer, elk and moose in and around the City; and

WHEREAS, the presence of so many deer, elk and moose in and around the City poses issues for the citizens of the City, including, but not limited to damage to shrubs, flowers, gardens and trees, potential traffic hazards and other potential health and safety risks; now therefore

THE CITY COUNCIL OF THE CITY OF MEDICAL LAKE DO ORDAIN:

SECTION 1. There is hereby added to the Medical Lake Municipal Code Chapter 7.06 Feeding Deer, Elk and Moose Prohibited.

SECTION 2. There is hereby added to the Medical Lake Municipal Code Section 7.06.010 Definition to read as follows: Section 7.06.010 Definitions. The following words, terms and phrases when used in this Chapter shall have the following meanings, except where the context clearly indicates a different meaning:

1. Deer, elk and moose. A wild slender-legged hooved ruminant mammal that is a member of Cervidae family including: *Odocoileus hemionus* (mule deer), *Odocoileus virginianus* (white-tail deer), *Cervus elaphus* (elk) and *Alces alces* (moose). Also referred to as buck (male deer), doe (female deer), fawn (young-of-the-year deer), bull (male elk or moose), cow (female elk or moose), or calf (young-of-the-year elk or moose).
2. Feed or feeding: The intentional act of furnishing, or otherwise making available, food or other substance which is likely to be consumed by deer, elk and moose.

SECTION 3. There is hereby added to the Medical Lake Municipal Code Section 7.06.020 Feeding Deer, Elk and Moose Prohibited to read as follows: Section 7.06.020. Feeding Deer, Elk and Moose Prohibited. No person shall feed, cause to be fed, or intentionally provide or make available any food, including but not limited to corn, deer chow, apples, straw, cabbage or any ground feeding attractants, or any other substances,

including but not limited to salt licks, for consumption by deer, elk or moose on any property, public or private, within the City.

SECTION 4. There is hereby added to the Medical Lake Municipal Code Section 7.06.030 Gardens and Fruit Trees Not Prohibited to read as follows: Section 7.06.030. Exceptions. (A) This Ordinance shall not apply to any ornamental, native, edible vegetation planted or maintained for consumption or any combination thereof which is natural to that particular land owned or occupied where foraging 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.

(B) This Ordinance shall not apply to trees, shrubs, or vegetation planted as landscaping.

(C) This Ordinance shall not apply to feeding of domesticated animals to include chicken and other fowl.

(D) This Ordinance shall also not apply to any persons acting for professional purposes to include: animal control officer, veterinarian, peace officer, City employee or federal or state wildlife officials.

SECTION 5. There is hereby added to the Medical Lake Municipal Code Section 7.06.040 Violation which shall read as follows: Section 7.06.040 Violation. A violation of any provision of this Chapter shall be a civil infraction, subject to a civil penalty as follows:

1. First violation: \$50.00 plus statutory costs and assessments.
2. Second offense: \$100.00 plus statutory costs and assessments.
3. Third: \$150.00 plus statutory costs and assessments.
4. Each subsequent: \$250.00 plus statutory costs and assessments, which the Court shall not mitigate.
5. When an individual is issued a citation for the civil infraction, he or she should be provided with deer, elk and moose no feeding educational materials.

SECTION 6. There is hereby added to the Medical Lake Municipal Code Section 7.06.050 Severability which shall read as follows: Section 7.06.050 Severability. The sections of this Chapter shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by any Court of competent jurisdiction to be unconstitutional or invalid, such holding shall not affect the validity of the remainder of this Chapter.

SECTION 7. Effective Date. This ordinance shall be full force an effect five (5) days from and after passage, approval and publication.

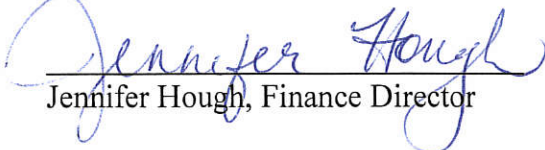
INTRODUCED this 8th day of February, 2014.

REINTRODUCED this 16th day of December, 2014.


PASSED this 6th day of January, 2015.


MAYOR John Higgins

ATTEST:


Jennifer Hough, Finance Director

APPROVED AS TO FORM:


Cynthia E. McMullen, City Attorney
Dennis O. Assistant