

**ORDINANCE NO. 887**

**AN ORDINANCE AMENDING THE TOWN OF HOLLYWOOD PARK CODE OF ORDINANCE ARTICLE III OF CHAPTER 10 ENTITLED DEER MANAGEMENT, ESTABLISHING A CITIZEN COMMITTEE, IMPLEMENTING REPORTING REQUIREMENTS AND ALTERING FEEDING RESTRICTIONS**

**WHEREAS**, the Town of Hollywood Park, finds that it has a population of deer within its municipal limits; and

**WHEREAS**, the Town of Hollywood Park has a deer management program which is to be reviewed annually to determine impact adjustments; and

**WHEREAS**, the Town Hollywood Park finds that the deer management program has been successful in reducing the negative consequences of an overpopulation of deer within the Town; and

**WHEREAS**, the Town of Hollywood Park recognizes that it cannot cease its deer management program but must adjust its deer management program based on currents situations and the policy of the Town and its citizens; and

**WHEREAS**, the Town finds that to help the Town better evaluate the impact its deer management program will have upon the deer population within the Town certain reporting and record keeping procedures are necessary; and

**WHEREAS**, the Town finds that the population of deer which routinely live or visit the Town of Hollywood Park has reduced in numbers; and

**WHEREAS**, the Town of Hollywood Park finds there is decreased evidence of browse lines, negative deer human contact, property damage caused by deer; and

**WHEREAS**, the Town of Hollywood Park finds that a different policy is necessary in order to best manage the deer within the Town and its citizens' desires and perspectives; and

**WHEREAS**, based on information provided to the Town Council, the Town finds that a proper balance can be reached between limited or supplemental feeding of the deer herd and population control; and

**WHEREAS**, the Town of Hollywood Park finds that permissible supplemental feeding of deer must be regulated in order to avoid future negative consequences and to help maintain the health and stability of the deer in Hollywood Park; and

**WHEREAS**, the Town of Hollywood Park finds that certain actions and procedures within it deer management policy are necessary in order to obtain the proper permits from Texas Parks and Wildlife Department; and

**WHEREAS**, the Town of Hollywood Park finds it is important to have a proper mechanism to obtain input from Town citizens regarding the deer management program; and

**WHEREAS**, the Town of Hollywood Park finds that there is a shortage of available release sites for the transplantation of deer; and

**WHEREAS**, the Town of Hollywood Park finds it still must maintain proper regulatory control of feeding during any necessary trapping performed by the Town of Hollywood Park; and

**WHEREAS**, the Town of Hollywood Park finds that its citizens wish to live in a balanced harmony with the wildlife contained in the Town, including the deer.

**THEREFORE BE IT ORDAINED AS FOLLOWS:**

The Town of Hollywood Park Town Council hereby amends the Town of Hollywood Park Code of Ordinances Chapter 10, Article III as follows:

**ARTICLE III. DEER MANAGEMENT**

Sec. 10-175. Deer management program.

(a) The town establishes a deer management program designed to control and manage the deer population within the municipality. The city council, with due regard to the support and maintenance criteria prescribed by the state parks and wildlife division, shall determine the number of deer to be controlled within its corporate boundaries by this program.

(b) The mayor and/or his/her designee is authorized to implement and execute the deer management program through trapping, transporting, and transplanting (hereinafter TTT) or trapping, transporting and processing (hereinafter TTP), or a program of contraception that is approved by the state parks and wildlife division, all of said programs to adhere to the currently, prescribed programs, policies and procedures for the management of deer that are promulgated by the state parks and wildlife division. TTP is to be utilized only so far as necessary to obtain transporting and release permits or, absent the need for transporting and release permits, only in extreme circumstances where public health and safety are an immediate concern.

(c) The mayor is hereby authorized, for the town deer management program, to designate, upon the advice and consent of the city council, a person to implement and execute the town deer management program in adherence to the currently prescribed program, policy and procedure for the management of deer that is promulgated by the state parks and wildlife division. Such designee position shall be references as the Deer Project Manager. The designee is subject to, but not limited to, the following:

- (1) The mayor, upon the advice and consent of the city council, may employ for a fixed or indefinite term a person that is competent and experienced in the field of managing deer populations within municipalities.
- (2) The Deer Project Manager shall be directly accountable to the mayor and shall serve at the will of the mayor. The mayor, either with or without cause, may terminate his/her service.
- (3) The annual monetary compensation for the Deer Project Manager shall be set by the city council.
- (4) The Deer Project Manager's responsibilities shall address and coordinate all issues related to or that may be associated with the deer management within the Town of Hollywood Park including, but not limited to:
  - (a) The preparation of all state parks and wildlife related documentation;
  - (b) Identifying TTT, TTP, or contraception sites within the municipality;
  - (c) Coordinating all phases of the deer management plan within the municipality;
  - (d) Planning seminars and lectures on deer management; and
  - (e) The preparation and presentation of progress reports to the mayor and city council.
- (d) The Deer Project Manager shall provide a written report each year to the city council. The annual report shall include, but need not be limited to, a review of negative effects the deer population is having upon the town (including changes in browse lines, deer trails, negative deer-human contacts, deer struck by vehicles); the number of deer the Deer Project Manager requests be removed or managed each year, if any; the number of deer removed under a state permit the prior year; and a recommendation for the coming year's deer management strategy.
- (e) The mayor and/or Deer Project Manager shall cause an annual census of the deer population to be conducted using current methodology for any such census that is acceptable by the state parks and wildlife division. Any such census is for informational purposes only and is not to be construed as an actual or accurate population of the deer. The city may utilize the deer census as a matrix to determine if its deer management plan is having any effect on the deer population with the Town. The mayor or Deer Project Manager may, in their sole discretion and as they deem it necessary, may cause an additional census of the deer population within the municipality to be conducted at any time.
- (f) The TTT, TTP, depredation, or contraception of deer within the municipality shall conform to all current regulations and guidelines promulgated by the state parks and wildlife division.

- (g) The mayor and/or Deer Project Manager, upon advice and consent of the city council, shall:
- (1) Determine the number of deer to be trapped, transported, trapped, transported and processed or subjected to a program of contraception approved by the state parks and wildlife division within the municipality.
  - (2) Select the personnel approved by the state parks and wildlife division that are qualified to administer the deer control programs within the municipality.
  - (3) Determine the proper time to TTT, or TTP, under the deer management program to reduce the number of deer within the municipality, or to control the reduced population of deer within the municipality through the application of a contraception program approved by the state parks and wildlife division.
  - (4) Select a recipient qualified by the state parks and wildlife division to receive the deer. The selected recipient shall be subject to the following condition: Except as otherwise provided herein, the recipient must pay all the expenses associated with the trapping, transporting and transferring (TTT program) of the deer from the municipality to the qualified release site. Qualified governmental entities are exempted from the provisions of this subsection.
- (h) The city council shall annually review this deer management program and determine its efficacy and the necessity of continuing the deer management program.
- (i) The city council hereby creates a Deer Committee. The Deer Committee shall be made up of ten (10) citizens of the Town of Hollywood Park.
- (1) The purpose of the Deer Committee is to:
    - (a) May provide community input on the citizens' desire for more or less deer control methods;
    - (b) May research and provide information to the city council, mayor, and Deer Project Manager on deer management methods, tools, and options;
    - (c) May participate in any deer census called by the Deer Project Manager or mayor;
    - (d) May develop recommended procedures for accurate record keeping and reporting for the deer management program;
    - (e) May assist with community interaction between the City and the citizens;
- (2) Appointment and Removal:

(a) Each councilmember may appoint two citizens to sit on the Deer Committee for one year terms;

(b) All committee members serve at the will of the city council and can be removed at any time, with or without cause, consistent with state law.

(3) The Deer Committee must abide by the Texas Open Meetings Act.

Sec. 10-176. Feeding of deer on public property and privately owned property prohibited; exception.

(a) *Feeding prohibited.*

(1) Except as otherwise provided by this Chapter, no person shall purposely feed or provide food (as herein described) through a ground-feeding station, salt lick, or by any other means to the wild deer on:

(a) Public property;

(b) Privately owned property;

(c) Public or private easements such as drainage and roadway easements; or

(d) Any other privately owned land of any description within the town.

(2) For the purposes of this section, a deer shall be deemed to be wild.

(3) A person shall be deemed to have purposely fed or caused deer to be fed if the person places wheat, pelleted livestock food, corn in any form, fruit, vegetables, hay or alfalfa, human food scraps, any form of commercially sold wildlife feed, birdseed or livestock feed or any other edible matter that deer will consume (not including live vegetation such as ornamental landscaping, ornamental bushes, or flowers) on the ground, or within reach of deer or by any other means.

(4) The prohibition shall not apply to any peace officer, animal control officer, or other agent of the town, acting pursuant to the town deer management program.

(5) Notwithstanding subsection (a)(1) an individual may provide food to a wild deer or to other animals under the following conditions:

(a) If an individual feeds the wild deer upon their own property or with the permission of the property owner; and

- (b) The individual provides food in single serving portions; and
- (c) The individual provides food for no more than four (4) deer at a time; and
- (d) The individual does not hand feed the deer; and
- (e) The individual does not utilize any form of commercial feeding station; and
- (f) The individual provides only food authorized by the Town of Hollywood Park as being nutritionally suitable for wild deer. The City Secretary shall maintain a list of authorized food which has been adopted by the city council and shall provide a copy of the list upon payment of a copying charge by any individual requesting such. A copy of the authorized food shall also be posted on the Town of Hollywood Park website.
- (g) All the above conditions must be met to legally feed wild deer within the Town of Hollywood Park. It is an affirmative defense to criminal liability for an individual accused of violating this Chapter to establish all of the above conditions.

(b) *Restricted access to deer control activities site.*

(1) Access to sites owned, leased or lawfully used by the town, for purposes of deer trapping and relocation efforts pursuant to this section, shall be restricted to the public during all times that trapping or destruction is occurring. Notices shall be posted providing reasonable warning of such activities and the restriction on access to the area. In the event that any unauthorized person gains access to the site of any deer control activities herein described, any police officer, animal control officer or other agent of the town engaged in such deer control activities is authorized to notify such person of any restriction on access to the site and order such person to immediately leave the area of deer control activities.

(2) The area of restricted access shall be limited to a reasonable area and distance, taking into consideration the particular activity and the danger attendant with such activity, the public or private status of the affected property, the need for the conditions necessary to attract deer, and the health and safety of the public. The town shall be the sole determiner of the area of restricted access. The town's decision shall be final and shall not be the subject of appeal.

(3) Access to a site of deer control activities may be restricted at such time that any of the following conditions exist:

- a. Trap or bait sites have been made ready for use;
- b. Food or other materials designed and intended to attract deer to a site are put into place.

(c) *Penalties.*

(1) A person who violates any provision of subsection (a) of this section shall be punished according to the general penalties described in section 1-15.

(2) A person who enters a restricted area in which deer control activities are occurring, or who refuses to leave such area when notice of restricted access has been given to such person, either by the presence of sufficient signage or by verbal notice provided by an agent of the town, shall be punished according to the general penalties described in section 1-15.

(3) Each day of violation of any provision of this section is a separate and distinct offense.

**PASSED AND APPROVED**, this, the 17 day of AUGUST, 2010.



Mayor/Bob Sartor  
Town of Hollywood Park

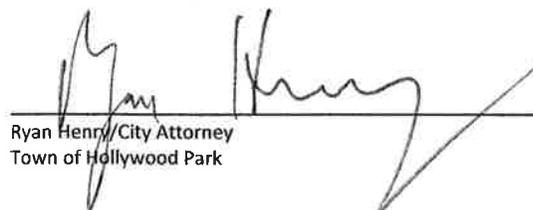
**ATTEST:**



Janice Alamia/City Secretary  
Town of Hollywood Park



**APPROVED AS TO FORM:**



Ryan Henry/City Attorney  
Town of Hollywood Park

# LIST OF AUTHORIZED FOOD ADOPTED BY THE HP CITY COUNCIL

(Version 1.0 approved 7 September 2010 and replaces all previous versions)

## **Fruits** (uncooked/unprocessed)

Apples  
Cantaloupe  
Figs  
Peaches  
Pears  
Watermelon

## **Vegetables** (uncooked/unprocessed)

Beets  
Carrots  
Lettuce  
Pumpkins  
Spinach  
Sweet Potatoes  
Tomatoes  
Turnips

## **Grains**

Alfalfa  
Oats  
Wheat

## **Seeds**

Sunflower

## **Protein Deer Pellets**

16% - 20% protein

## **Water**

**\*\*\*Warning\*\*\*:** Do not feed or allowed to be fed foods containing any beef byproducts such as many cat and dog foods, etc. All attempts should be made to prevent harm to the deer from Aflatoxin bacteria and Acidosis from grains, mainly corn.

## **RULES FOR FEEDING DEER**

**To legally feed wild deer within the Town of Hollywood Park the following conditions must be met:**

- (1) Feed only upon your own property**
- (2) Provide only single serving portions**
- (3) Provide food for no more than four (4) deer at a time**
- (4) Do not hand feed the deer**
- (5) Do not use a commercial feeding station**
- (6) Provide only approved foods on this list**

**Refer to HP Code of Ordinances, Article III of Chap. 10 for complete information on feeding restrictions.**

17 August 2010

MEMORANDUM FOR THE RECORD

Subject: Passage of Ordinance 887, amendment to the Deer Management Program

I have concerns with the wording in several places of the amended Code/Ordinance.

In the title, it states that this ordinance is implementing a reporting requirement when there is already a requirement in the ordinance. There are amendments to the requirements.

Many new "Whereas" statements seem to have been included that seem to be for no reason but to attempt to establish some type of "quality" by sheer "quantity. Several are clearly not supported by facts presented in open meetings and documented by the records. Numerous instances of citizen participation comments and challenges that were never addressed for the record, regardless of whether they were deemed valid, invalid, or disagreed with, they were never addressed by the Council.

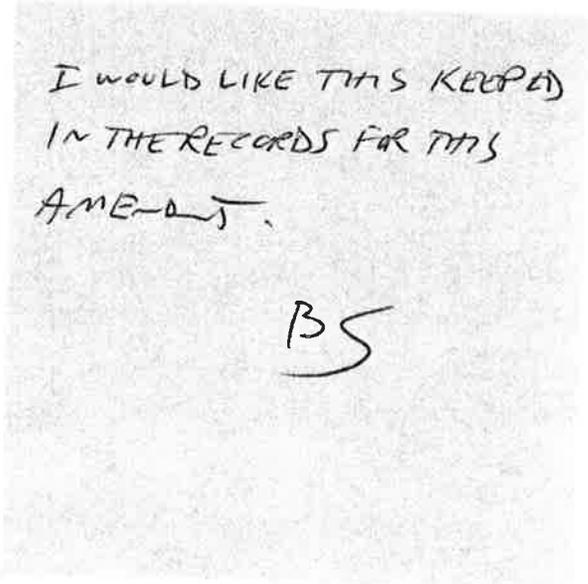
The wording for the Deer Committee is lacking several needed items, to include committee initiation, first meeting agenda, designation of leadership, how to address appointments for vacant council seats, clarifying the beginning and ending of terms, etc.

Under the feeding amendments no clarification has been made as to "single serving" which will result in residents being unable to adequately determine what a single serving size is for a wild animal.

Many of these issues will both complicate enforcement while at the same time will complicate compliance by residents. It is hoped that any issues with enforcement due to omissions or lack of clarity in the ordinance, will not be simply blamed on enforcement officials trying to do the best they can with what was passed.



Bob Sartor



I WOULD LIKE THIS KEPT  
IN THE RECORDS FOR THIS  
AMENDT.

BS