

ORDINANCE NO. 1975

AN ORDINANCE TO PROHIBIT THE FEEDING OF DEER WITHIN THE CITY
LIMITS OF EUREKA SPRINGS, ARKANSAS

SECTION 1. DEFINITIONS

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

- (1) “Deer” means any ruminant animal of the family *Cervidae*, males of which having deciduous antlers.
- (2) “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.
- (3) “Natural” means food or other substances consumed by deer produced by or existing in nature; not artificial or artificially prepared.

SECTION 2. PROHIBITION OF FEEDING

No owner or occupier of land within the City of Eureka Springs shall intentionally feed, cause to be fed or make available food or other substances for the consumption by deer with the city, either 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 a 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 and no naturally generated source is present.

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 30 days after the adoption by the City Council

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS ____ DAY OF _____, 20__.

APPROVED:

KATHY HARRISON, Mayor

ATTEST:

MARY JEAN SELL, Clerk