

ORDINANCE NUMBER 194

AN ORDINANCE PROHIBITING THE FEEDING OF DEER ON ANY  
PROPERTY LOCATED WITHIN THE CITY OF WAKEFIELD

194.10 FEEDING OF DEER PROHIBITED

- 1) UNLAWFUL FEEDING. It shall be unlawful for any person to place any feed such as salt, minerals, grain, fruit, vegetable material, sunflower seeds, deer suckers, or any other type of organic material, on any public or private property for the purpose of enticing deer into any property in the City of Wakefield except as provided in paragraph 3 herein.
  
- 2) PRESUMPTIONS. There shall be a rebuttable presumption that either of the following acts are for the purpose of enticing deer:
  - a) The placement of salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers in an aggregate quantity of greater than one-half gallon at a height of less than six (6) feet off the ground.
  
  - b) The placement of salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the device's height.
  
- 3) EXCEPTIONS. This section shall not apply to the following situations:
  - a) The placement of feed for the purpose of hunting deer subject to all other laws, Ordinances, rules and regulations governing hunting, baiting, and the discharge of weapons.

- b) Naturally growing grain, fruit or vegetable material, including gardens and residue from lawns, or gardens and other vegetable materials maintained as a mulch or compost pile.
- c) Unmodified commercially purchased bird feeders or their equivalent.
- d) As may be authorized on a temporary basis by the City Council for specific public purposes determined by the City Council.

194.11 PENALTY

Any person who violates any provision of Section 194.10 shall be guilty of a civil infraction punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) plus penalty assessments and costs. Each day a violation occurs or continues shall be deemed a separate offense.

194.12 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

194.13 EFFECTIVE DATE

This Ordinance will be effective thirty (30) days after it's publication.

adopted: 9/11/06

15/ Rosalie P. Zurakowski,  
City Clerk