

ORDINANCE 11-01

AN EMERGENCY ORDINANCE PROHIBITING THE FEEDING OF DEER AND OTHER BIG GAME ANIMALS.

WHEREAS, the Board of Trustees has determined that the feeding of deer has created a significant concern related to the health, safety and welfare of the inhabitants of the Town; and

WHEREAS, the feeding of deer has created such pervasive concerns within the community that the Board of Trustees hereby declares that an emergency exists, that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the Town and its inhabitants, and that it is necessary that this Ordinance shall take effect as an emergency measure upon its adoption.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. The Elizabeth Municipal Code is amended by the addition thereto of a new Division 11 of Article VII of Chapter 7, entitled "Feeding of Deer and Other Big Game Animals Prohibited", to read as follows:

Division 10

Feeding of Deer and Other Big Game Animals Prohibited

Sec. 7-7-700. Feeding of Deer and other Big Game Animals.

(a) Except as otherwise permitted by law, it shall be unlawful for any person to intentionally place, deposit, distribute or scatter grain, hay, minerals or salt, or other foods, or to provide water for the consumption by deer or other Big Game Animals not lawfully held in captivity. For purposes of this section, "Big Game Animals" means any member of the deer, elk, moose, or antelope families.

(b) Crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices shall not be subject to this ordinance, and this ordinance shall not restrict the use of salt or mineral, in any form, in normal agricultural practices in those areas zoned for agricultural use.

(c) In the discretion of the Municipal Court, every person convicted of, or who pleads guilty or no contest to, a violation of this section, shall be punished by a fine of not less than twenty-five dollars (\$25.00), but not exceeding one thousand dollars (\$1,000.00) per violation or count, by imprisonment not exceeding ninety (90) days, by useful community service or any combination of the above. Provided however, the Board of Trustees may by Resolution promulgate a specific fine schedule for violations of this Section 7-7-700.

(d) Each day a violation of this Section shall be considered a separate offense pursuant to Section 1-4-20 of this Elizabeth Municipal Code.

Section 2. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

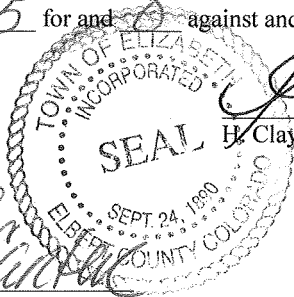
Section 3. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Declaration of Emergency. By reason of the significant risks to the public peace, health, and safety of the Town and its inhabitants caused by the growth in the deer population within Town limits based in part on the feeding of deer, it is hereby declared that an emergency exists, and that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the Town and its inhabitants

Section 5. Effective Date. This Ordinance shall take effect as an emergency measure immediately upon its adoption.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this 25th day of January, 2011.

Passed by a vote of 5 for and 0 against and ordered published.



[Handwritten Signature]
Clay Hurst, Mayor

ATTEST

[Handwritten Signature]
Serena L. Carter, Town Clerk