

ORDINANCE NO. 2019-12-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, PROHIBITING FEEDING AND BAITING OF WILD ANIMALS WITHIN THE LINDON CITY LIMITS AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City finds it necessary to amend its codes and ordinances from time to time; and

WHEREAS, the Lindon City Council finds that within its city limits there exists urban deer in such numbers and/or concentrations within the City that they may pose a threat to the safety of people and property, and constitute a public nuisance; and

WHEREAS, Utah Code Annotated Section 10-8-60 provides that a municipality may declare what shall be a nuisance and abate that nuisance; and

WHEREAS, on May 7, 2019 the Lindon City Council passed Resolution #2018-12-R finding that it is appropriate to abate the nuisance of deer within the City by beginning processes established in Utah Administrative Rule R657-65 to create an urban deer control plan within the city limits as is deemed appropriate by the Mayor and City Council, and as approved the State of Utah Division of Wildlife Resources (DWR); and

WHEREAS, Lindon City is required to pass an ordinance prohibiting deliberate feeding and/or baiting of deer, elk, and moose within the city limits as a requirement of Utah Administrative Rule R657-65 before the DWR will approve an urban deer control plan; and

WHEREAS, prohibiting feeding of these wild animals will potentially reduce the number deer within Lindon City limits and therefore may help provide for the public safety, promote the peace, order, comfort and convenience of the city and its inhabitants and further promote the protection of property within the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

SECTION I:

Lindon City Code 6.16.012 titled "Feeding of Wild Animals Prohibited" is hereby created and approved as follows:

6.16.12 Feeding of Wild Animals Prohibited

- 1) It is unlawful to feed or bait wild animals. A person shall not make food available for wild animals with the intent that it be consumed by or attract wild animals. Wild animals are defined in Section 6.04.005 "Wild Animals".
- 2) This Section does not apply to:
 - (a) Public employees or authorized agents acting within the scope of their employment for public safety or wildlife management purposes;
 - (b) Owners of wild animals that have been permitted by Lindon City and the Utah Division of Wildlife Resources (or similar State wildlife management agency) to be kept within the city limits;
 - (c) Planted vegetation or landscaping elements that are not intended for feeding wild animals;

- (d) Normal agricultural or livestock operation practices; or
- (e) Recreational feeding of wild song birds, hummingbirds, or similar birds, unless a previous warning by the City to cease or modify feeding practices is disregarded and such continued practices attract wild animals in such numbers or circumstances to cause property damage, endanger any person, or create public health concerns.

SECTION II: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.


SECTION III: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

SECTION IV: This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this
18 day of June, 2019.


Jeff Acerson, Mayor

ATTEST:


Kathryn A. Moosman,
Lindon City Recorder



CERTIFICATE OF PASSAGE

STATE OF UTAH }
 }ss.
COUNTY OF UTAH }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed and adopted by the City Council of Lindon City, Utah on the 18th day of June 2019 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, PROHIBITING THE FEEDING AND BAITING OF WILD ANIMALS WITHIN THE LINDON CITY LIMITS AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Lindon City, Utah, this 18th day of June, 2019.


Kathryn A. Moosman, City Recorder



AFFIDAVIT OF POSTING

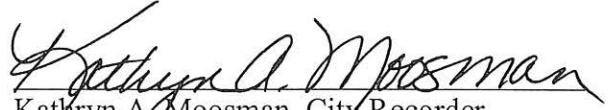
STATE OF UTAH }
 }ss.
COUNTY OF UTAH }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that I posted the attached ordinance in three public places on the 19th day of June, 2019.


The three public places are as follows:

1. Lindon City Police Department
2. Lindon City Community Development Office
3. Lindon City Center

I further certify that the agenda of the meeting of the City Council containing notice of public hearing was published and posted according to law, and that copies of the ordinance so posted were true and correct copies of the original.


Kathryn A. Moosman, City Recorder

The foregoing instrument was acknowledged before me this 19th day of June, 2019 by Kathryn A. Moosman.

My Commission expires: December 12, 2020 
Notary Public

Residing at: Utah County

