

ORDINANCE NO. 2024-

AN ORDINANCE CREATING SECTION 18-37, ENTITLED “FEEDING OF WILDLIFE; PROHIBITION” OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY ENTITLED, "ANIMALS” TO PROHIBIT THE FEEDING OF WILDLIFE IN CERTAIN CIRCUMSTANCES, PROVIDING FOR CODIFICATION, A PENALTY, PUBLICATION, AND AN EFFECTIVE DATE

WHEREAS, the City of League City (“City”) finds that the feeding of wildlife has been known to increase the concentration of wildlife in urbanized areas, thereby increasing the likelihood of collisions between vehicles and wildlife; and

WHEREAS, the overabundance of wildlife populations has been known to cause concentrated areas of biological waste containing bacteria in certain urbanized areas; and

WHEREAS, the City and the Texas Parks and Wildlife Department find that discouraging and prohibiting the artificial feeding of wildlife is in the best interest of the health, safety and welfare of the community and wildlife populations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. Recitals Incorporated. The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

Section 2. That the Code of Ordinances is hereby amended to create Section 18-37, entitled “Feeding of Wildlife; Prohibitions” of Chapter 18, entitled “Animals” of the League City Code of Ordinances to read as follows (additions, ~~deletions~~):

Sec. 18-37. Feeding of Wildlife; Prohibitions

(a) Definitions

- (1) "Food" means bread products, corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, feed, grain, vegetables, and commercially sold wildlife feed, or livestock feed, but excludes live naturally growing shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground or are within reach of wildlife.

- (2) "Wildlife" means alligators, seagulls, nutria, coyotes, bobcats and feral hogs but does not include cats.

(b) Feeding of Wildlife Prohibited

- (1) Except as provided below, a person commits an offense if the person intentionally, knowingly or recklessly, as those terms are defined in Texas Penal Code Section 6.03, feeds wildlife by making food available for consumption on private or public property within 100 feet of an area this is zoned residential within the territorial limits of the city.
- (2) A person shall be deemed to have purposely fed or caused wildlife to be fed if the person places food, as defined in this section, in any form, (not including live vegetation such as ornamental landscaping or flowers) on the ground, or within reach of wildlife.
- (3) The feeding of wildlife with automated/electronic equipment or gravity feeders is prohibited within the city.

(c) Exceptions; Affirmative Defenses

- (1) This prohibition does not apply to the placement of food into feeders kept at a minimum of 5 feet above the ground surface and intended for birds.
- (2) This prohibition does not apply to the feeding of wildlife in a city park where authorized.
- (3) This prohibition does not apply to an animal control officer, veterinarian, peace officer, City employee, federal or state wildlife official, who is acting pursuant to a lawfully authorized program to treat, manage, capture, trap, hunt, or remove wildlife and who is acting within the scope of the person's authority.
- (4) It is an affirmative defense to prosecution under this section if a person places food, in good faith, for the purpose of feeding domestic livestock or domestic pets located on their property.

- (d) Penalties. A person who commits a violation of this ordinance will first be given a warning and will be provided with information on the negative impacts of wildlife feeding. A second offense may result in prosecution in municipal court. Any violation of this ordinance is deemed a Class C misdemeanor punishable by a fine of not more than \$200.00. Each day any violation of any provision of this Code shall continue shall constitute a separate offense.

Section 4. Penalty Provision. Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Hundred Dollars (\$200.00) for

each offense. Each day that a violation exists shall constitute a separate offense.

Section 5. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 8. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 9. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective upon passage.

PASSED first reading the ____ day of _____, 2024.

PASSED AND ADOPTED the ____ day of _____, 2024.

NICK LONG
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

MICHELLE L. VILLARREAL
City Attorney