

ORDINANCE NO. 5, SERIES 2016

AN ORDINANCE PROHIBITING THE SUPPLEMENTAL FEEDING OF CERTAIN ANIMALS; PROVIDING PENALTIES THEREFORE; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF UPTON, WYOMING,

SECTION 1: SUPPLEMENTAL FEEDING OF CERTAIN ANIMALS PROHIBITED

- A.** Definitions.
1. Supplement feed attractants. "Supplement feed attractants" are any human food, pet food, hay, forage product or supplement, grain, seed or birdseed, garbage or other attractant.
 2. Agricultural. For the purposes of this section "agricultural" means the science or art of cultivating the soil, producing crops, boarding and/or raising permitted livestock.
- B.** Prohibition. No person shall knowingly or intentionally provide supplemental feed attractants to the following animals, unless specifically authorized by an agency of either the State of Wyoming or the United States of America: antelope, deer, elk, moose, turkey, bobcat, black bear, mountain lion, coyote, fox, raccoon, wolf, duck and geese.
- C.** Exemptions. A person engaged in any of the following activities is not subject to liabilities under this section:
1. A person engaged in the normal feeding of livestock;
 2. A person pursuing an agricultural purpose on agricultural land as defined by Wyoming Statute §39-13-101(a) (iii);
 3. A person engaged in the practice of raising crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices;
 4. A person engaged in the cultivation of a lawn or garden;
 5. A person engaged in bird feeding where the bird food is made unavailable to the animal specified in paragraph B of this Section; and
 6. Any health department employee, law enforcement officer or a state or federal game official acting within the scope of his/her official duties.
- D.** Penalty. Any person who violates this section, upon conviction, shall be fined not less than \$25.00 nor more than \$200.00 for each offense, together with the costs of prosecution. A separate offense shall be deemed committed on each day or a part of each day during which a violation occurs or continues. This paragraph does not preclude the city from taking any appropriate action to abate, prevent or remedy a violation of any provision of this section.

SECTION 2: SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity shall not effect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this and the provisions of this act are severable.

SECTION 3: REPEALING CLAUSE

Any other ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Ordinance shall be effective upon passage and publication as provided by law.

PASSED, ADOPTED AND APPROVED this __8__ day of __November__, 2016.

Passed on first reading: _09/13/2016_____

Passed on second reading: __10/11/2016_____

PASSED, APPROVED AND ADOPTED on third reading this __8__ day of __November__, 2016.