

Chapter 11 Animals

Article II Wildlife Feeding

§ 11-30. Definitions. As used in this and subsequent sections,

Wildlife shall mean any undomesticated and unrestrained animal or fowl, including but not limited to bears, coyotes, deer, foxes, raccoons, skunks and other animals or fowl causing public safety threats or nuisances.

Feeding shall mean the act of ground feeding, placing, exposing, depositing, distributing, or scattering, directly or indirectly, of any grain, shelled, shucked, or unshucked corn, seeds, wheat, bread or bakery products, salt, meat or parts, fish or parts, honey, molasses, or any other feed or nutritive substances, in any manner or form, so as to constitute for such wildlife a lure, attraction, or enticement to, on, or over any such areas where such feed items have been place, exposed, deposited, distributed, or scattered.

Designated enforcement authority shall mean Chelmsford Animal Control Officers, Police Officers, and agents of the Board of Health; and State Environmental Police Officers, and other enforcement officers of the Division of Law Enforcement, and by the Deputy Environmental Police **Officers**.

Commented [PH1]: Deputy Environmental Police Officers are designated by the Secretary of Environmental Affairs pursuant to G. L. c. 21A, s. 10A.

§ 11-31. Prohibited activity.

No person shall feed any wildlife at any place within the Town of Chelmsford. Whenever the Chelmsford

Animal Control Officer or any designated enforcement authority determines a person has violated the provisions of this Section, such person shall be notified pursuant to Section 11-33. Further violations in the same location, either by act of commission or omission, may constitute prima facie evidence that such violation was with the knowledge or consent of the person previously found in violation of this provision. becomes aware that wildlife has been

found feeding on any substance, as defined above, and the landowner or person committing the act has been notified of the occurrence by any person authorized to enforce this By-Law, and wildlife is thereafter found feeding on any such substance after any act of the commission or omission by the

Commented [PH2]: I have concern that the language regarding the prima facie evidence was too broad. While it would work for violations on private property, it could result in a determination of a violation on public property without any evidence that the person being cited had been at that location during the applicable timeframe.

~~landowner or other person, such feeding shall be prima facie evidence that the feeding was with the knowledge or consent of the landowner or other person.~~

§ 11-32 Exceptions.

- A. Nothing in this By-Law shall be construed to limit the feeding of domesticated waterfowl or other animals, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in M.G.L. Chapter 128 § 1A on property owned or leased by him, or the feeding of waterfowl or any other birds by propagators licensed under M.G.L. Chapter 131 § 23 when such waterfowl or other birds are confined in such a manner as may be required pursuant to said Section 23 and any rules and regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees or waterfowl lawfully kept as a pet by such person.

- B. Regardless of this By-Law, the Director of the Division of Fisheries and Wildlife or his agent or designee may authorize the emergency feeding of waterfowl and other birds when, in his opinion, such action is necessary to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such means as he deems necessary and expedient, but such means shall include the immediate notification to the Select Board thereof by first class mail.

- C. Any individual, company or corporation that is duly licensed by the Commonwealth of Massachusetts or entitled under law to possess wildlife of any kind.

- D. Any action that is officially sanctioned by the Commonwealth of Massachusetts that would require feeding, baiting, or luring of wildlife (i.e., capturing and tagging wildlife for scientific projects and study).
- E. Any individual, company, or corporation that is engaged in lawful agricultural pursuits, including but not limited to growing crops, crop-bearing plants or raising livestock.
- F. This section shall not be interpreted so as to prohibit bird feeders, squirrel feeders, or bat houses. However, if a feeder is determined to be the cause of a public safety threat or nuisance, the [Chelmsford Animal Control Officer may order the](#) feeder(s) and seed debris ~~will be required~~ to be removed within 48 hours.
- G. This section shall not be interpreted so as to prohibit the feeding of pets, provided that if food intended for pets is determined to be the source of wildlife feeding, the landowner or person responsible for the premises will be required to take steps to render such pet food inaccessible to wildlife, including the requirement that the pet food be removed. If any wildlife gains access to pet food, the condition allowing access must be corrected or the pet food removed within 48 hours.
- H. This section shall not be interpreted so as to prohibit the storage of refuse, food product, pet food, or other material or nutritive substance on any premises in a manner which does not constitute a lure, attraction or enticement of wildlife on property within the Town of Chelmsford, provided that if such storage is determined to be the source of a wildlife feeding problem, the landowner or person responsible for the premises will be required to take steps to render such storage area inaccessible to wildlife and the area near the storage be kept free from such debris. If any wildlife gains access to a storage area, the condition allowing access must be corrected or the stored material removed within 48 hours.

Commented [PH3]: The removal of the bird feeder/squirrel feeder should be tied to an order of the ACO.

Commented [PH4]: Should this require notification from the ACO, or is this placing an affirmative obligation on the pet owner to remove the pet food even if not notified by the ACO?

§ 11-33 Penalties.

Any violation of this section may be enforced by the Animal Control Officer or any designated enforcement authority through non-criminal disposition, [pursuant to G. L. c. 40, § 21D](#), in accordance with the following schedule of

finer:

First offense:	Written warning
Second offense:	\$25 fine
Third offense:	\$50 fine
Each subsequent offense:	\$100 fine