



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Work Group Reviewing an Ordinance to Prohibit the Public from Intentional Feeding of Wildlife

January 10, 2020

8:00AM

Main Meeting Room, Town Hall, 933 Hopmeadow Street

SPECIAL MEETING AGENDA

Call to Order

- 1) Review and Discussion of Draft Ordinance to Prohibit Feeding Of Wildlife
 - DEEP Feedback
 - Health District Feedback
 - Refuse Haulers Feedback
- 2) Next Steps and Meeting Date
- 3) Approval of Minutes
 - December 6, 2019

Adjournment

TOWN OF SIMSBURY
DRAFT Ordinance to Prohibit the Intentional Feeding of Wildlife
Dated December 16, 2019 - DRAFT

Purpose.

The Town of Simsbury, under its powers pursuant to state law, has adopted this ordinance to protect public health, safety, and welfare by prohibiting the intentional feeding of wildlife. This ordinance is intended to assist our residents, guests, and other stakeholders peacefully and safely coexist with wildlife.

Definitions.

When used in this ordinance, the following definitions apply:

- a) **Authorized Enforcement Agency:** All sworn personnel of the Police Department and Animal Control Officers. Additionally, any employees or designees of the town as designated by the Town Manager to enforce this ordinance.
- b) **Person:** Person shall be construed to mean and include an individual, a corporation, a partnership, a non-profit, a trust, an unincorporated organization, business organization of any kind or any other group or organization.
- c) **Town:** Town means the Town of Simsbury.
- d) **Wildlife:** Wildlife includes, but is not limited to, non-domesticated animals that due to intentional feeding have been determined to be a nuisance or threat to public health, safety, and welfare such as bears, deer, coyotes, bobcats, fisher cats, turkeys and wild birds. Wildlife does not include livestock used for agricultural purposes.

Comment [CME1]: DEEP: Are there certain wildlife that you believe to be most important to reference here?

Prohibited Activity.

In recognition that these animals are wild and should be left alone for the health, safety, and welfare of both the wildlife and our residents, guests, and other stakeholders, the following is prohibited activity:

- a) **Intentional Feeding of Wildlife.** Feeding, giving, placing, exposing, depositing, distributing or scattering any edible material, attractant, or other substance with the intention of feeding, attracting or enticing wildlife.
- b) **Feeding Birds.** Bird feeders may not be used from May 1 – October 31st.
- c) **Improperly Storing Food, Refuse, or Other Wildlife Attractants.** Improperly storing food, pet food, refuse (garbage), or other attractants and substances in a manner that result in wildlife feedings.

Exceptions.

- a) **Unintentional Feeding of Wildlife.** Unintentional feeding of wildlife means using or placing any material for a purpose other than to intentionally attract, entice, or feed wildlife but which

results in unintentionally attracting, enticing, or feeding of wildlife. [Composting that was properly secured but unintentionally led to the feeding of wildlife is excluded.](#)

b) **Feeding Birds.** Bird feeders may be used from November 1 – April 30.

c) **Permitted Activity.** This ordinance does not apply to any person with a valid [permit](#) issued by the state of Connecticut, Department of Energy and Environmental Protection.

Comment [CME2]: DEEP: Are there permits other than for hunting or trapping that would apply? We would appreciate a full understanding of applicable permits.

d) **Wildlife Rehabilitation.** Any person providing care to wildlife for the purpose of an animal's rehabilitation due to illness or injury, as part of a recognized for-profit or non-profit entity providing for such care of wildlife.

Violations and Penalties.

Whenever the authorized enforcement agency determines that a person has violated this ordinance, the authorized enforcement agency is authorized to issue a fine to the violator in the amount of [two hundred and fifty dollars \(\\$250.00\)](#) for each offense. Any violation continued more than one (1) day shall constitute a separate offense for each day such violation continues.

After two or more violations of this ordinance have been cited to any person, the town may initiate a civil action [in Superior Court](#) for injunctive relief to prohibit and prevent such violation or violations and the court may proceed in the action in a summary matter.

Appeals.

Any person receiving a fine may appeal the determination of the authorized enforcement agency. The notice of appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the fine. The appeal shall be deemed received by the Town on the first business day following the day it is filed with and received by the Town Clerk's Office. Hearing on the appeal before the Hearing Officer shall take place within thirty (30) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer shall be final.



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Friday, December 6, 2019

Main Meeting Room, Town Hall, 933 Hopmeadow Street

SPECIAL MEETING MINUTES – DRAFT

Members Present: Sean Askham (by phone), Chris Peterson, Gary Wilcox

Staff Present: Maria Capriola, Chief Boulter

The meeting was called to order at 8:05am

1) Review and Discussion of Draft Ordinance to Prohibit Feeding of Wildlife

The draft ordinance was reviewed and discussed. Staff will prepare revisions to: the wildlife definition; add language regarding composting under exceptions; elaborate on permitted activity under exceptions; and increase the fine to \$250 per incident under violations and penalties.

2) Discussion of Wildlife Trapping on Town Owned Land

The group reviewed and discussed options presented by Animal Control Officer Mark Rudewicz via memorandum dated November 21, 2019. No action taken.

3) Additional Discussion of Sample Ordinance from other Communities Prohibiting the Feeding of Wildlife

This item was not needed; no discussion.

4) Next Steps and Meeting Date

Staff will prepare revisions to the draft ordinance as discussed for the group to review. Town to investigate required use of bear proof refuse receptacles for residential customers by authorized trash haulers. Staff to inquire with Farmington Valley Collaborative as to any towns that might be pursuing such an ordinance at this time. Next meeting date January 10, 2020 at 8am.

5) Approval of November 8, 2019 Meeting Minutes

The minutes were approved by consensus.

The meeting adjourned at 8:35am.

Respectfully Submitted,
Maria Capriola
Town Manager
Town of Simsbury