



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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

December 6, 2019

8:00AM

Main Meeting Room, Town Hall, 933 Hopmeadow Street

SPECIAL MEETING AGENDA - AMENDED

Call to Order

- 1) Review and Discussion of Draft Ordinance to Prohibit Feeding Of Wildlife
- 2) Discussion of Wildlife Trapping on Town Owned Land
- 3) Additional Discussion of Sample Ordinances from other Communities Prohibiting the Feeding of Wildlife (if needed)
- 4) Next Steps and Meeting Date
- 5) Approval of November 8, 2019 Meeting Minutes

Adjournment



TOWN OF SIMSBURY
DRAFT Ordinance to Prohibit the Intentional Feeding of Wildlife
Dated December 2, 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 such as bears, deer, coyotes, and wild birds.

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

Comment [CME1]: Are there any other circumstances in which an exception would be appropriate?

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.

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 one hundred dollars (\$100.00) 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 a court of competent jurisdiction 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.

Comment [CME2]: May need clarification on this. Are there permits other than for trapping that would apply? Follow-up with DEEP may be warranted to have a full understanding of applicable permits.

Comment [CME3]: Bob: This was in another town's ordinance. Would you recommend this or different language?

Comment [CME4]: Bob: Per statute does a person have the right to pursue a municipal ordinance citation/violation to court if their appeal by the local hearing officer is denied?



Simsbury Police Department

933 Hopmeadow Street

Simsbury, CT 06070



NICHOLAS J. BOULTER
CHIEF OF POLICE

MEMORANDUM

TO: Nicholas J. Boulter, Chief of Police
FROM: Mark R. Rudewicz
DATE: November 21, 2019
SUBJECT: Coyote Trapping

To trap a coyote on land the property owner must possess ten acres of contiguous land. This is only permitted during the coyote trapping season of December and January. The type of trap utilized for this purpose is a foothold trap which would be placed on the surface and anchored to the ground.

However, trapping could be permitted for less than ten acres of land and/or out of trapping season, with the approval of the State of CT DEEP. An assessment of the need and circumstance would be completed by the State of CT before granting authorization to only a state licensed trapper. For trapping on less than ten acres of land or outside of coyote season (February through November) requires that the foothold trap be placed in a safe area of land, subsurface below grade, or placement in a body of water slightly below the surface.

The purpose for the foothold trap to be placed below grade out of season is due to the less than ten acre requirement. The goal is to minimize the trapping of non-targeted species or domestic animals, including a human stepping on this trap.

The pros of trapping are that it would reduce the coyote population and possibly reduce conflicts. Keep in mind that even though trapping could be done this would not remove the presence of coyotes in any one area.

The con against trapping is that it could be met with a severe negative public perception for the Town of Simsbury and The Simsbury Police Department. Only a relatively small portion of the population, which may have been impacted by the presence of a coyote, would approve this tactic of removal.

Further, there is a likely case of trapping a non-targeted animal, such as raccoon, skunk or other furbearing species. Worst case scenario is a young child stepping onto the trap and is injured or a domestic animal, such as a pet cat or dog being trapped.

The cost associated with coyote trapping tends to be expensive due to the amount of work and time required to trap. After speaking with several CT licensed commercial nuisance wildlife control operators and trappers, the cost varies roughly between \$200.00 - \$300.00 per trap and coyote removed.

N. Boulter



Town of Simsbury

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Friday, November 8, 2019

Main Meeting Room, Town Hall, 933 Hopmeadow Street

SPECIAL MEETING MINUTES – DRAFT

Members Present: Sean Askham, Chris Peterson, Gary Wilcox

Staff Present: Maria Capriola, Chief Boulter

The meeting was called to order at 8:00am

1) Review of Sample Ordinances from Other Communities

Components to the sample ordinances were discussed such as: enforcement; education; fines; unintentional feeding v. intentional feeding. State-wide legislation from neighboring states was discussed. Secure v. non-secure trash receptacles was discussed.

2) Next Steps and Meeting Date

Staff will prepare a draft ordinance for the group to review. Ordinance should focus on intentional feeding of wildlife, particularly feeding that is causing a public safety or public health concern. Town to investigate required use of bear proof refuse receptacles for residential customers by authorized trash haulers. Next meeting date December 6, 2019 at 8am.

The meeting adjourned at 9:08am.

Respectfully Submitted,
Maria Capriola
Town Manager
Town of Simsbury