



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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

February 28, 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
- 2) Next Steps
- 3) Approval of Minutes
 - January 10, 2020

Adjournment

TOWN OF SIMSBURY
DRAFT Ordinance to Prohibit the Intentional Feeding of Wildlife
Dated February 28, 2020 - 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.

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~~ April 1st through November 30th.
- 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.

- i. Unintentional feeding will become intentional feeding if a written notice is issued by an Authorized Enforcement Agency and ignored.

b) **Feeding Birds.** Bird feeders may be used from ~~November 1—April 30~~ December 1st through March 31st.

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 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, January 10, 2020
Main Meeting Room, Town Hall, 933 Hopmeadow Street

SPECIAL MEETING MINUTES – DRAFT

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

Staff Present: Maria Capriola, Chief Boulter

The meeting was called to order at 8:00am

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

The group discussed feedback received by the Health District, refuse haulers regarding bear-proof receptacle costs, and coyote and fox response guidelines received by DEEP. Staff is expecting feedback from DEEP regarding the draft ordinance.

2) Next Steps and Meeting Date

Next meeting date February 28, 2020 at 8am. The work group will check back in with the Public Safety Sub-Committee at their March 19th meeting. When feedback is received from DEEP, staff will share that information. Staff will update the bear analysis calls for service memo with calendar year 2019 data.

3) Approval of November 8, 2019 Meeting Minutes

The minutes were approved by consensus.

The meeting adjourned at 8:20am.

Respectfully Submitted,
Maria Capriola
Town Manager
Town of Simsbury