

TOWN OF SIMSBURY
DRAFT Ordinance to Prohibit the Intentional Feeding of Wildlife
Dated July 13 ~~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 April 1st through November 30th, unless the source is recognized as not being desirable to bears, such as but not limited to Nyjer or thistle.

- 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 December 1st through March 31st.
 - i. If the source is recognized as not desirable to bears, such as but not limited to Nyjer or thistle, bird feeders may be used year round.

- 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.~~ The decision of the Hearing Officer may be appealed to Superior Court.