

**Police By-Laws
Article XIV**

Wildlife Feeding

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Section 1 - Intent.

The density of human population on a small landmass affords an environment for wildlife to live in close proximity to the residents and businesses of the Town of Nahant. The intent of this bylaw is to protect the health, safety, and welfare of this community. It has been established that feeding wildlife increases the potential for damage to public and private land and property. Feeding of gulls especially endangers water quality and drinking water supplies, according to the Massachusetts Department of Conservation and Recreation, Division of Water Supply Protection. In addition, it is the intent of this bylaw to protect the welfare of wildlife as feeding can interrupt their normal feeding patterns, can cause nutritional problems, threaten their health and promote the spread of diseases. This bylaw should not be interpreted in any way to interfere with the authority of the Massachusetts Division of Fisheries and Wildlife or any other state agency.

Section 2 - Definitions.

As used in this and subsequent sections:

BIRD FEEDER shall mean any apparatus designed for the feeding of songbirds that is equipped with attachments, such as a baffle and a catch platform, to prevent access to the food (including but not limited to, seed, suet, nuts, peanuts and dried fruit) by any other wildlife.

DESIGNATED ENFORCEMENT AUTHORITY shall mean Nahant Animal Control Officer, Nahant Police Officers and agents of the Nahant Board of Health.

FEEDING shall mean the act of ground feeding, placing, exposing, depositing, distributing, or scattering, directly or indirectly, of any grain, shelled, seeds, wheat, bread or bakery products, salt, meat or parts, fish or parts, 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 placed, exposed, deposited, distributed, or scattered.

WILDLIFE shall mean any undomesticated and unrestrained animal or fowl, including but not limited to coyotes, foxes, raccoons, skunks and other animals or fowl (including gulls and geese).

Section 3 - Prohibited activity.

No person shall intentionally or unintentionally feed any wildlife on public or private property within the Town of Nahant. Whenever the Nahant Animal Control Officer or any designated enforcement authority 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 bylaw, and wildlife is thereafter found feeding on any such substance after any act of the commission or omission by the 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.

Section 4 - Exceptions.

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

B. 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).

C. 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.

D. This Article shall not be interpreted so as to prohibit bird feeders. If, however, a bird feeder is determined by a designated enforcement authority to be the cause of a public safety threat or nuisance, the bird feeder(s) and seed debris will be required to be removed within 48 hours.

Section 5 - Penalties.

Any violation of this bylaw may be enforced through the non-criminal disposition procedure found in Article XIII and subject to the penalties forth in Article XIII, Sub-Article II, Section 6.

End