



Office of the Town Clerk

Town of Chelmsford
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 Chelmsford, MA 01824
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 tdzuris@chelmsfordma.gov

Patricia E. Dzuris, CMC
 Town Clerk

**CERTIFICATE OF VOTE
 ARTICLE 17
 Amend Chapter 11 of the Town Code
 2020 Fall Town Meeting
 Monday, October 19, 2020**

I, Patricia E. Dzuris, Town Clerk of Chelmsford, Massachusetts, do hereby certify the following vote taken under Article 17 at the Fall Town Meeting was opened at the Chelmsford High School Gymnasium, 200 Richardson Road, Chelmsford, MA 01863, was called to order at 7:30 PM by Moderator Jon H. Kurland on Monday, October 19, 2020. At the time of the vote, there were 106 Town Meeting Representatives present which satisfied the quorum requirement of 82 Representatives.

ARTICLE 17. I move that the Town amend the Town Code, Chapter 11 Animals, by adding a new Article, Article II Wildlife Feeding and Sections 11-30 through 11-33 as follows:

Article II Wildlife Feeding

§ 11-30. Definitions. As used in this and subsequent sections,

Wildlife shall mean any undomesticated and unrestrained animal or fowl, including but not limited to: bears, coyotes, deer, foxes, raccoons, skunks, turkeys and other animals or fowl causing public safety threats or nuisances.

Feeding shall mean the act of ground feeding, placing, exposing, depositing, distributing, or scattering, directly or indirectly, of any grain, shelled, shucked, or unshucked corn, seeds, wheat, bread or bakery products, salt, meat or parts, fish or parts, honey, molasses, 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.

Designated enforcement authority shall mean Chelmsford Animal Control Officers, Police Officers, and agents of the Board of Health; and State Environmental Police Officers, and other enforcement officers of the Division of Law Enforcement, and by the Deputy Environmental Police Officers.

§ 11-31. Prohibited activity.

No person shall feed any wildlife at any place within the Town of Chelmsford. Whenever the Chelmsford

Animal Control Officer or any designated enforcement authority determines a person has violated the provisions of this Section, such person shall be notified pursuant to Section 11-33. Further violations in the same location, either by act of commission or omission, may constitute prima facie evidence that such violation was with the knowledge or consent of the person previously found in violation of this provision.

§ 11-32 Exceptions.

- A. Nothing in this By-Law shall be construed to limit the feeding of domesticated waterfowl or other animals, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in M.G.L. Chapter 128 § 1A on property owned or leased by them, or the feeding of waterfowl or any other birds by propagators licensed under M.G.L. Chapter 131 § 23 when such waterfowl or other birds are confined in such a manner as may be required pursuant to said Section 23 and any rules and regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees or waterfowl lawfully kept as a pet by such person.
- B. Regardless of this By-Law, the Director of the Division of Fisheries and Wildlife or his agent or designee may authorize the emergency feeding of waterfowl and other birds when, in their opinion, such action is necessary to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such means as they deems necessary and expedient, but such means shall include the immediate notification to the Select Board thereof by first class mail.
- C. Any individual, company or corporation that is duly licensed by the Commonwealth of Massachusetts or entitled under law to possess wildlife of any kind.
- D. 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).
- E. 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.
- F. This section shall not be interpreted so as to prohibit bird feeders, squirrel feeders, or bat houses. However, if a feeder is determined to be the cause of a public safety threat or nuisance, the Chelmsford Animal Control Officer may order the feeder(s) and seed debris to be removed within 48 hours.

- G. This section shall not be interpreted so as to prohibit the feeding of pets, provided that if food intended for pets is determined to be the source of wildlife feeding, the landowner or person responsible for the premises will, upon notification by the Chelmsford Animal Control Officer, be required to take steps to render such pet food inaccessible to wildlife, including the requirement that the pet food be removed. If any wildlife gains access to pet food, the condition allowing access must be corrected or the pet food removed within 48 hours.
- H. This section shall not be interpreted so as to prohibit the storage of refuse, food product, pet food, or other material or nutritive substance on any premises in a manner which does not constitute a lure, attraction or enticement of wildlife on property within the Town of Chelmsford, provided that if such storage is determined to be the source of a wildlife feeding problem, the landowner or person responsible for the premises will be required to take steps to render such storage area inaccessible to wildlife and the area near the storage be kept free from such debris. If any wildlife gains access to a storage area, the condition allowing access must be corrected or the stored material removed within 48 hours.

§ 11-33 Penalties.

Any violation of this section may be enforced by the Animal Control Officer or any designated enforcement authority through non-criminal disposition, pursuant to Massachusetts General Laws Chapter 40, Section 21D, in accordance with the following schedule of

finer:

First offense:	Written warning
Second offense:	\$25 fine
Third offense:	\$50 fine
Each subsequent offense:	\$100 fine

SUBMITTED BY: Select Board

MOTION UNDER ARTICLE 17. I move that the Town amend the Town Code, Chapter 11 Animals, by adding a new Article, Article II Wildlife Feeding and Sections 11-30 through 11-33 as follows:

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Recommendations:

Finance Committee: Unanimously recommends approval of article 17

Board of Selectmen: Majority recommends approval of article 17

The electronic voting devices registered the following votes:

YES: 84 NO: 22 Abstentions: 0

MOTION UNDER ARTICLE 17: Carries by majority vote

A TRUE COPY ATTEST:



Patricia E. Dzuris, CMC
Town Clerk