

IN CITY COUNCIL
August 27, 2024

VOTED: By Roll Call Vote to Adopt the Order and publish as required by law. (7) Yeas: (Councilors Bona, Breen, Fitch, Oleskiewicz, Sapienza, Shade & Wilkinson); (0) Nays (0) Abstained.

Attest, Bryan Sapienza

President

 Tina Marie Leonesio

City Clerk

No. 12,191-2

An Ordinance to Amend the Revised Ordinances of the City of North Adams, by adding a New Chapter 15A, entitled Feeding of Wildlife.

IN CITY COUNCIL
August 13, 2024

VOTED: to Pass to a Second Reading and Publish as Required by Law. (9) Yeas: (Councilors Blackmer, Bona, Breen, Fitch, Morrow, Oleskiewicz, Sapienza, Shade & Wilkinson); (0) Nays (0) Abstained.

Attest, Bryan Sapienza

President

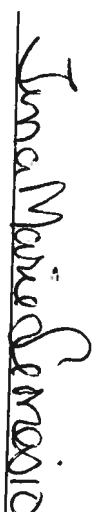
 Tina Marie Leonesio

City Clerk

A True Attest Copy,

Approved, August 28, 2024

 Jennifer A. Macksey
Mayor


City Clerk



City of North Adams

In City Council

Date: August 13, 2024

BE IT ORDAINED by the City Council of the City of North Adams as follows:

That Chapter 15A, currently entitled Reserved be amended to:

Chapter 15A Title

Remove the following title:

“Reserved”

And in place there of Insert with the following:

“Feeding of Wildlife”

Add Section 15A-1 heading and paragraph as follows:

Section 15A-1 Intent and Purpose

Intent and Purpose: *This chapter is enacted for the purpose of protecting the health and welfare of both people and wildlife by prohibiting the intentional and negligent feeding of wildlife. By prohibiting the intentional feeding of wildlife, this chapter promotes public health and welfare by minimizing interactions between people and wildlife which may carry pathogens, and whose increased presence in populated areas can endanger humans, pets, livestock as well as the livestock itself.*

Add Section 15A-2 heading and paragraphs as follows

Section 15A-2 Definitions

Attractant – *Any substance that can predictably attract wildlife, including, but not limited to food (human and pet), bird seed, livestock feed, minerals, compost or other nutritive substances, waste products or refuse.*



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Garbage/Trash/Refuse – Any waste that can predictably attract wildlife including, but not limited to; food, food packaging, organic waste, soiled diapers, or scented cooking waste such as cooking oils, grease or seasoning.

Wildlife - Non-domestic animals including rodents such as rats, woodchucks, squirrels, chipmunks, and animals such as bears, foxes, deer, racoons and coyotes

Wildlife/Rodent Proof Waste Receptacles – A fully enclosed container that effectively prevents bears and other wildlife from accessing the contents inside.

Investigating Authority – The City Board of Health, the Health Department Inspector, Massachusetts Environmental Police Department, City Animal Control Officer, or State Department of Public Health Officials or their designees.

Person – Any person, resident, occupant, business or entity.

State – The Commonwealth of Massachusetts

City – The City of North Adams.

Add Section 15A-3 heading and paragraphs as follows

Section 15A-3 Feeding of Wildlife Prohibited

- (a) No person shall intentionally or negligently feed, use, place, provide, give, expose, deposit, scatter, distribute, or improperly store any attractant that provides a lure or enticement to wildlife on any property in the City.
- (b) Determination of where attractants are serving as a lure or enticement to wildlife will be made by any Investigating Authority, as defined above. The landowner or person responsible for the premises where problems with wildlife feeding have occurred will be notified in writing of the attractant issue. The Investigative Authority can offer guidance and suggestions on potential solutions but ultimately the person in violation of these regulations is responsible for taking corrective action.
- (c) Failure of the person to take corrective action and remove or contain the attractant in such a manner as to make it inaccessible to wildlife within 7 days may be construed as evidence that the feeding of wildlife was intentional



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and done with the knowledge or consent of the landowner or responsible person.

Add Section 15A-4 heading and paragraphs as follows

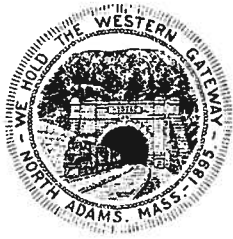
Section 15A-4 Garbage, Trash, Refuse Receptacles or Enclosures

- (a) In responding to an attractant issue, the Health Department shall make a determination as to whether or not the refuse containers on the property are the source of the wildlife feeding problem.*
- (b) If the refuse containers are determined to be the source of the wildlife feeding problem the property owner, or person or entity responsible for the property, shall replace them with Wildlife/Rodent Proof Waste Receptacles, as defined above. Failure to comply with an order to replace or secure refuse containers identified as attractants within 7 days will constitute a violation of this section.*
- (c) If a Wildlife/Rodent Proof Waste Receptacle is either damaged or ruptured by wildlife so that it may allow access to the attractant, repair or replacement must be made within 7 days after the damage is discovered.*
- (d) Any outdoor compactor containing any material edible to wildlife must not be accessible by wildlife. No refuse/trash or attractant may be exposed, and doors must be kept closed and latched with a wildlife proof mechanism except when loading or removing refuse. If damaged, allowing access by wildlife, repairs or replacement must occur within 7 days after damage is discovered or written notification by an Investigative Authority, whichever event happens first.*

Add Section 15A-5 heading and paragraphs as follows

Section 15A-5 Exceptions

- (a) Any individual, company, or corporation that is duly licensed by the State or entitled under law to possess wildlife of any kind, provided that if the possession of said wildlife is determined to be causing an attractant issue or public safety threat, the attractant or public safety threat is removed or*



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contained within 48 hour.

- (b) Any action that is officially sanctioned by the Commonwealth of MA that would require feeding, baiting, or luring wildlife for management purposes, scientific projects, and research or study.*
- (c) Any individual, company, corporation that is engaged in farming.*
- (d) This regulation shall not be interpreted so as to prohibit bird feeders or bird feeding, provided that if a bird feeder or bird feed is determined to be the feeding source for nuisance wildlife, causing an attractant issue, or a public safety threat the bird feeder and seed debris shall be removed within 48 hour.*

Add Section 15A-6 heading and paragraphs as follows

Section 15A-6 Unintentional Feeding of Wildlife

The feeding of domestic pets or livestock shall be done in a protected area as to not attract unwanted wildlife. The receptacles in which domestic pets or livestock may be fed outdoors, shall be removed once the pet has finished the food. Any remaining food should be discarded or stored as to not attract unwanted wildlife. Nor shall any person(s) leave food accessible for stray domestic animals in an outdoor unsecured location. This ordinance does not prohibit any receptacle containing water for pets that may be left outdoors.

Add Section 15A-7 heading and paragraphs as follows

Section 15A-7 Suggested Penalties

- (a) First violation- The first violation will be the identification of an attractant issue by an Investigating Authority and subsequent written warning along with education. The written warning will include a date for compliance which will be no later than 7 days following receipt of the written warning.*
- (b) Second violation- The second violation will result in a written Notice of Violation and fine as described in Appendix D. The Notice of Violation shall contain a date for compliance which will be no later than 7 days following*



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receipt of the written Notice of Violation.

- (c) Subsequent violations- Each subsequent violation will result in a written Notice of Violation and a fine as defined in Appendix D. The Notice of Violation shall contain a time schedule of compliance which shall be no longer than 7 days from the date of receipt.*

Add Section 15A-8 heading and paragraphs as follows

Section 15A-8 Appeals

- (a) Any individual, company, or corporation aggrieved by an Order issued under the authority of these regulations may appeal to the Health Department by filing a written petition for a hearing before the Board of Health, which must be submitted within 7 days of receipt of the Order.*
- (b) Appeals hearings shall be heard at the next scheduled Board of Health meeting, consistent with the posting requirements of Open Meeting Law.*
- (c) At the hearing the petitioner and any other affected parties shall be given an opportunity to be heard, present documentary evidence, and to show why the issued order should be modified or withdrawn. Failure to hold a hearing within the specified time frame shall not affect the validity of any order.*