



## **REGULATING FEEDING OF WATER FOWL**

### ***TOWN OF ESSEX BOARD OF HEALTH***

#### **Section I. PURPOSE OF REGULATIONS**

Whereas:

- Water fowl in the Town of Essex have reached high populations. They soil beaches and waterways with droppings, creating a nuisance and potentially adversely affecting health and recreation in the Town.
- Feeding has contributed to the increasing size of the population and to litter in the Town of Essex. Excess foodstuffs may create or contribute to the problem of rats.
- One step to reducing these problems is to stop feeding these wild birds.

#### **Section II. SCOPE OF AUTHORITY**

The Town of Essex Board of Health adopts the following regulation pursuant to authorization granted by M.G.L. c.111 s.31 and s.122. The regulation shall apply, as specified herein, to all public and semi public areas within the Town of Essex.

#### **Section III. DEFINITIONS**

For the purposes of this regulation, the following words and phrases shall have the following meanings

Public Area: Any area in the Town of Essex, admission to which may be gained by the general public withor without the payment of a fee.

Semi-Public Area: Area on the premises of, or used in conjunction with a hotel, motel, trailer court, apartment house, condominium, country club, youth club, school, camp, or similar establishment, where admission is included in the fee or consideration paid or given.

Water Fowl: Any of various birds that swim on water, including, but not limited to, ducks, geese, and swans.

#### **Section IV. PROHIBITIONS**

No person shall distribute any food to any water fowl or scatter any foodstuffs upon or around any public or semi public area in the Town of Essex. The use of backyard bird feeders is exempt from this restriction.

#### **Section V. ENFORCEMENT**

These regulations shall be enforced by the Essex Board of Health and its agents and designees and/or by any other agent of the town to whom police powers have been delegated. Enforcement may be by means of non-criminal disposition as allowed under MGL Chapter 40, Section 21D and 7-5 of the Town of Essex Bylaws.

#### **Section V. PENALTIES**

After an initial written or verbal warning, failure to comply with provisions of this regulation will result in the levy of fines of \$100 for the first offense and \$200 for the second and \$300 for the third and each subsequent offense, or amounts as determined by the Board of Health. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation.

Parents or guardians shall be responsible for the actions of their minor children.

#### **Section VI. SERVABILITY**

Each provision of this regulation shall be construed as separate to the end that, if any provision, or sentence, clause or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

#### **Section VIII. ADOPTION AND EFFECT**

These regulations were adopted by the Essex Massachusetts Board of Health, March 1, 2005 and are effective on and after April 1, 2005, and upon publication of notice in a local newspaper.

ESSEX BOARD OF HEALTH

Sandra Pelkie MacIntyre  
Chairman

Lynne March

Karin Staiti-Carroll