

Regulation on Waterfowl

BOH Regulation on Waterfowl....Article 27 of the Rules and Regulations of the Sharon BOH voted 7/9/07

27.1 Authority

This regulation is promulgated under the authority granted to the Board of Health under Massachusetts General Law 111, Section 31.

27.2 Rationale

The intent of this regulation is to protect the public health and welfare by prohibiting feeding or baiting of waterfowl, whose copious feces are a disease vector and present a public health nuisance.

27.3 Feeding and baiting prohibited; emergency feeding.

No persons except the Director of the Massachusetts Division of Fisheries and Wildlife or his agent or designee, as authorized pursuant to MGL C. 131, shall feed or bait any waterfowl of the family Anatidae, including, but not restricted, to ducks, geese, and swans, at any public place or within

200 feet of any public body of water within the Town of Sharon.

As used in this paragraph, “feeding” and “baiting” shall mean placing, exposing, depositing, distributing or scattering, directly or indirectly, of shelled, shucked or unshucked corn, wheat or other grain, bread, salt or any other feed or nutritive substances in any manner or form so as to constitute for such birds a lure, attraction or enticement to, on or over any such area where such feed items have been placed, exposed, deposited, distributed or scattered.

Nothing in this bylaw shall be construed to limit the feeding of domesticated waterfowl, as defined by the division of Marine Fisheries and Wildlife, by a farmer as defined in MGL C. 128, when such waterfowl or other birds are confined in such a manner as may be required pursuant to said S 23 and any person or his agents, invitees or licensees of waterfowl lawfully kept as a pet by that person.

Notwithstanding any of the above, 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 his opinion, such action is necessary in order 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 he deems necessary and expedient, but such means shall include the immediate notification of the Selectmen thereof by first-class mail.

In addition, in the interests of public health, the Board strongly recommends that no one feed or bait any waterfowl of the family Anatidae including, but not restricted, to ducks, geese, and swans, at any private place within the Town of Sharon.

27.4 Violations and penalties; enforcement

Violation of this Regulation shall incur a fine of \$25.00 for the first violation, \$50.00 for the second violation, and \$100 for the third and each subsequent violation within a calendar year.

Enforcement of this Regulation may be by the Animal Control Officer, any Police Officer, any Board of Health Agent, or designated representative.