

TEWKSBURY BOARD OF HEALTH REGULATION

11 MAR 30 PM 2:26

Chapter 5: FEEDING OF CANADA GEESE

5.5 Authority

These Regulations are adopted by the Tewksbury Board of Health ("Board") under the authority of MGL c. 111 § 31, and other applicable provisions of the Massachusetts General Laws.

5.6 Purpose

This Regulation is intended to prohibit the feeding of Canada Geese in order to protect the health and safety of the public and the environment where:

1. The population of Canada Geese in the Town has greatly increased, which has caused the soiling of waterways and parks with droppings and the creation of a nuisance which may negatively affect public health and the enjoyment of recreational facilities of the Town;
2. Feeding Canada Geese has contributed to the increasing size of the Canada Geese population, unsanitary conditions wherever the Canada Geese gather in the Town, and may increase the rodent population; and
3. The prohibition of the feeding of Canada Geese will reduce or eliminate these potential health problems.

5.7 Definitions

Public Areas: Any area in the Town where admission may be gained by the public with or without the payment of a fee.

Semi-Public Areas: 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 is paid or given, or without the payment of a fee or consideration.

Waterfowl: Any of various birds that swim in water, including but not limited to, ducks, geese, and swans.

11 MAR 30 PM 2:26

5.8 Prohibitions

No person shall distribute any food to any Canada Geese or scatter any foodstuffs upon or around any public or semi-public area in the Town where Canada geese are gathered. Parents or guardians shall be responsible for the actions of their minor children.

5.9 Exemptions

1. Persons who hold a valid state or federal permit to bait and capture for the removal of Canada Geese within the Town of Tewksbury.
2. The use of "above-ground" bird feeders.

5.10 Enforcement

This Regulation shall be enforced by the Tewksbury Board of Health, 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 Massachusetts General Laws Chapter 40, Section 21D, or by other means permitted by law.

5.11 Penalties

Failure to comply with this Regulation shall result in a written warning accompanied with educational literature for the first offense, levy of fines of \$50.00 for the second offense, \$100.00 for the third offense, and \$150.00 for the fourth and subsequent offenses.

5.12 Severability

If any provision of this Regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

5.13 Effective Date

Regulations adopted on January 20, 2011 and shall take effect on April 6, 2011.