

Wildlife Feeding Ordinance

Part 1, Ch. 6, Article 6 – In General.

Section 6–49. Wildlife Feeding Prohibited.

A. Purpose and Intent.

- a. The intent of this ordinance is to protect the health, safety, and welfare of the community via curtailing the inappropriate feeding of wildlife.
- b. Medford is home to a large population of wild animals, including but not limited to rats, pigeons, gulls, and raccoons. It has been established that feeding such wildlife, whether intentionally or passively, entices and attracts these wild animals around and into private property and in Medford, including into private porches and backyards.
- c. Feeding creates nuisances and health hazards for residents and prevents residents from the unfettered enjoyment of their outdoor spaces. Furthermore, inappropriate or excessive feeding of wildlife can create health hazards for wild animal populations, can interrupt their normal feeding patterns, can cause nutritional issues, threaten their health, promote the spread of diseases, and entice them into areas of the City that are unsafe for them.
- d. As private properties in Medford share permeable boundaries with one another, the feeding of wildlife on one property, whether intentionally or passively, stands to create nuisances or problems for neighboring residents, particularly in the densely settled areas of the City.
- e. This ordinance should not be interpreted in any way to interfere with the authority of the Massachusetts Division of Fisheries and Wildlife, or any other state agency with jurisdiction over wildlife.

A. Definitions

- f. Wildlife shall mean any undomesticated and unrestrained animal or fowl, including but not limited to pigeons, raccoons, rats, gulls, geese, foxes, skunks, coyotes, and/or any other animals or fowl.
- g. Feed or Feeding shall mean the act of distributing, scattering, placing, exposing, or depositing, directly or indirectly, any feed or foodstuffs, including but not limited to grain, seeds, or other food products, in any manner or form, so as to constitute a lure, attraction, or enticement to wildlife.
- h. Bird feeder shall mean any apparatus designed for the feeding of songbirds, and not fowl, that is equipped with attachments and catchments that prevent access to food, seed, nuts and dried fruit by any other wildlife.
- i. Pet or pets shall mean any domesticated animal, such as a dog, cat, bird, or other animal that is kept for pleasure in a residence rather than for commercial purposes.

B. Prohibited activity

- a. No person shall feed any wildlife on or in any public or private property within the City of Medford.
- b. Whenever the Animal Control Officer, Health Director, Sanitarians, or Code Enforcement Officers becomes aware that wildlife has been found feeding on any substance, and the

resident or person responsible for the property has been notified of the occurrence thereof, any subsequent feedings shall be prima facie evidence that the feeding was with the knowledge or intent of the resident or person responsible for the property. The Animal Control Officer, Health Director, Sanitarians, or Code Enforcement Officers shall use their discretion to distinguish between accidental feedings and intentional and/or repeated misconduct.

- c. Any outdoor trash receptacles or composters containing any material edible to wildlife must not be accessible by wildlife; no trash or materials may be exposed. In responding to a feeding issue, the enforcing authority shall determine whether garbage, trash, and/or refuse container(s) on the premises is the source of the wildlife feeding problem. If the refuse containers are determined to be the source of the wildlife feeding problem, the resident or person responsible for the premises shall replace them with a more secure wildlife-proof container or permanent structure. Failure to comply with an order to replace or secure refuse containers identified as attractants within seven (7) days will constitute a violation of this section.

A. Exceptions

- d. Nothing in this section shall be interpreted to prohibit bird feeders. However, if a bird feeder is determined to be the cause of a public safety threat or nuisance by the Animal Control Officer, Health Director, Sanitarians, or Code Enforcement Officers, the bird feeder(s) and seed debris will be required to be removed at the instruction of the enforcing officer.
- e. Nothing in this section shall be interpreted so as to prohibit the feeding of domesticated pets, provided that if food intended for pets is determined to be the source of wildlife feeding, the resident or person responsible for the premises will be required to take steps to render such pet food inaccessible to wildlife. If any wildlife continues to gain access to pet food, the condition allowing access must be corrected or the pet food removed within 48 hours.
- f. Nothing in this section shall be interpreted so as to prohibit the storage of food products, pet food, or other material on any premises in a manner which does not constitute a lure, attraction or enticement of wildlife on property within the City of Medford, provided that if such storage is determined to be the source of a wildlife feeding problem, the resident 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 continues to gain access to a storage area, the condition allowing access must be corrected or the stored material removed within 48 hours.

C. Stray or feral cats

- a. No person shall feed any feral or stray cats, with the following exceptions.
- b. This section shall not apply to any persons registered as a Feral Cat Caretaker per Ch. 6, Article III, Sec. 6-110; nor is this section intended to in any way interfere with the work of duly registered Feral Cat Caretakers.
- c. This section shall not apply to persons feeding feral or stray cats with the express purpose of adopting and domesticating said cat(s) within fourteen (14) days of the initial feeding by said persons, in accordance with M.G.L. c 140, Sec. 145B, having them

vaccinated against rabies within ninety (90) days or upon said cat(s) reaching the age of six (6) months, whichever last occurs.

- d. Feeding of feral and stray cats by registered Feral Cat Caretakers for periods longer than fourteen (14) days prior to domestication may be permitted at the discretion of the Animal Control Officer.

D. Enforcement and Penalties

- a. The Animal Control Officer, Health Director, Sanitarians, and Code Enforcement Officers are authorized to administer and enforce this ordinance.
- b. This ordinance shall be enforced in the manner provided in Section 1-13 of these Ordinances and M.G.L. c. 40, § 21D. Any property owner or tenant who violates any provision of this ordinance shall be subject to the following penalties:
 - i. First offense: Written warning
 - ii. Second offense: \$50.00
 - iii. Third (and each subsequent) offense: \$100.00

E. Effective Date

- a. This ordinance shall become effective immediately upon passage.