

BACKGROUND: Black Bears are common in the Stockbridge area and live in close proximity to people. Human-bear (wildlife) interactions are increasing. People intentionally and unintentionally provide food sources and other attractants to bears, that can create and exacerbate these conflicts. Bears are opportunistic feeders and the presence of food rewards encourages negative behaviors, i.e., coming into yards and developed areas for food and getting into trash, which is very difficult to prevent. These behaviors, once established, are difficult to change and can create nuisance situations that threaten public safety and endanger humans, bears, pets, livestock, and property. Preventing bears from accessing human-associated food sources is the only way reduce the risk of negative human-bear interactions. This ordinance is intended to focus on human-black bear conflicts and provide authorities with a mechanism to address problem sites. Although black bear are the primary species of concern, the ordinance could be applied in circumstances involving other wildlife species.

Purpose: The intent of this Ordinance is to protect the health and welfare of both people and wildlife by prohibiting the feeding or attracting of wildlife.

### **Wildlife Feeding Ordinance**

A. DEFINITIONS - The following words or phrases, whenever used in this section, shall be construed as defined in this subsection:

ATTRACTANT – Any substance including food (human and pet), bird seed, livestock feed, minerals, compost, other nutritive substances, scents, waste products or refuse, that attracts bears (wildlife) intentionally or unintentionally.

BEAR-PROOF CONTAINER/DUMPSTER – A fully enclosed container that prevents bears and other wildlife from accessing the contents inside. This includes but is not limited to heavy duty secured containers, metal topped latching dumpsters, enclosed storage areas such as sheds or other buildings. Containers must include a latching mechanism and reinforced covers/lids.

GARBAGE/TRASH/WASTE – Any waste/refuse that can reasonably attract bears (wildlife) including but not limited to food, food packaging, organic waste, scented waste such as grease, seasonings and other cooking waste.

INVESTIGATING AUTHORITY – Those town or state personnel charged with determining if a bear attractant issue is occurring on a property. Investigating authorities include; town and state law enforcement officers, Massachusetts Environmental Police, town animal control officer, town and state Board or Department of Health Officials, and personnel of the state Division of Fisheries and Wildlife.

PERSON – Any person, resident, occupier, company, firm, corporation, or other business organization

STATE – The Commonwealth of Massachusetts

TOWN – The Town of Stockbridge, Massachusetts.

WILDLIFE – Any undomesticated animals including, but not limited to rodents, birds, deer, raccoons, skunks, coyotes, foxes and bears.

B. FEEDING OF WILDLIFE PROHIBITED

1. No person shall intentionally or knowingly feed, use, place, provide, give, expose, deposit, scatter, distribute, leave or store any attractant that provides a lure, attraction, or enticement to wildlife on any property in the town of Stockbridge.  
Feed that is deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices, as well as standing crops planted and left standing as wildlife food plots that may be used by wild animals, is not considered feeding for the purpose of these regulations and is allowed.
2. Determination of whether attractants are serving as a lure, attraction, or enticement to wildlife can be made by any Investigating Authority, as defined in this section. The landowner or person responsible for premises where problems with wildlife feeding have occurred will be notified in writing of the attractant issue and offered suggestions for remediation by the Investigating Authority in cooperation with the Town of Stockbridge. Where a tenant or party other than the property owner is clearly responsible for the attractant, notification will be directed to the responsible party.
3. Failure of the person to respond to a notice of an attractant issue and remove or contain the attractant in such **as** manner as to make it inaccessible to wildlife within 7 days may be construed as evidence that the wildlife feeding was done with the knowledge or consent of the landowner or responsible person and was intentional.

#### C. GARBAGE/TRASH/WASTE CONTAINERS OR ENCLOSURES

1. In responding to **an** attractant issue, the Investigating Authority shall make a determination whether or not refuse containers on the premises are the source of the wildlife feeding problem.
2. If refuse containers are determined to be the sources of the wildlife feeding problem, the landowner or person responsible for the premises will be required to replace them with a bear proof container as defined in this section or secure them in a bear resistant structure. Failure to comply with an order to replace or secure refuse containers within 7 days will constitute a violation of this section.
3. Damage and repair of containers and **ex**nclosures: If a bear proof container is damaged or defeated so that it may allow access by wildlife, repair or replacement must be made within 7 days after the damage is discovered.
4. Acceptable outdoor compactor design: Any outdoor compactor containing any material edible by wildlife must not be accessible by wildlife. No trash or material 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 must be made to the outdoor compactor within 7 days after written notification by an Investigating Authority.

#### D. EXCEPTIONS - The following entities or actions are exempt from the requirements of this section:

1. Any individual, company, or corporation that is duly licensed by the Commonwealth of Massachusetts or entitled under law to possess wildlife of any kind, ~~provided that~~ **However,**

if the normal possession of said wildlife is determined to be causing an attractant issue or public safety threat by virtue of lack of containment, the attractant is removed or contained within 48 hours.

- a. An attractant issue and appropriate remediation is to be determined by the Select Board after notification by the investigating authority.
2. Any action that is officially sanctioned by the Commonwealth of Massachusetts that would require feeding, baiting or luring wildlife for management purposes, scientific projects, research or study.
3. Any individual, company, or corporation that is engaged in farming. Farming is defined herein as lawful agricultural pursuits, including but not limited to growing crops, crop bearing plants, or raising livestock where revenue from said activities represents a majority of income to the individual, company or corporation.
4. This section 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 and causing an attractant issue or public safety threat, the bird feeder and seed debris are removed within 48 hours.

E – SUGGESTED PENALTIES: Fines to be set as determined by the Board of Selectmen.

1. First Violation – The first violation will be considered the identification of an attractant issue by an Investigating Authority and subsequent written warning along with education and suggested solutions to the attractant issue. The written warning shall include a time schedule for compliance which shall be no longer than 7 days from the date of issuance.
2. Second Violation – The second violation will result in a written Notice of Violation and a fine of **\$50.00**. The Notice of Violation shall contain a time schedule for compliance which shall be no longer than 7 days from the date of issuance.
3. Subsequent Violations – Each Subsequent violation will result in a written Notice of Violation and a fine of **\$100.00**. The Notice of Violation shall contain a time schedule for compliance which shall be no longer than 7 days from the date of issuance.

F- ENFORCEMENT

1. Enforcement authority shall be the Stockbridge Police Department.

## RESOURCES:

### BEAR PROOFING MATERIALS FOR DISTRIBUTION TO THE PUBLIC

- **Electric Fencing Guide** – Materials, Step by step building instructions and tips for building an electric fence to protect bee-hives, chickens, and livestock (MassWildlife).
- **What is a Bear Proof Dumpster** – Examples of what does and does not constitute a bear proof dumpster (Florida Fish and Wildlife Conservation Commission (FWC)).

- **Bear Resistant Caddy Enclosed** and **Bear Resistant Caddy Slated** – Material list and step-by-step instructions for building a household garbage can shed to help prevent access by bears (FWC).
- **Bear Resistant Trash Containers** – List of specialty-built bear proof garbage cans and dumpsters, including vendors (FWC). It is important to make sure that your refuse company will service specialty-built dumpsters. Generic dumpsters with metal lids are available upon request from most vendors.

MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE

- Western District Office, Dalton, MA – 413 - 684 - 1646

MASSACHUSETTS ENVIRONMENTAL POLICE

- 24 Hour Dispatch – 800 - 632 - 8075

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