

Sec. 14-13. Feeding or baiting of migratory waterfowl.

(a) No person, except the director of the Division of Fisheries and Wildlife or his agent or designee, as authorized pursuant to Chapter 131 of the Massachusetts General Laws, shall feed or bait any waterfowl of the family Anatidae (including, but not restricted to ducks, geese and swans) at any place within the City of Peabody. As used in this subsection, "feeding" and "baiting" shall mean the placing, exposing, depositing, distributing, or scattering, directly or indirectly of shelled, shucked, or unshucked corn, wheat, or other grain, bread, salt, 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.

(b) Nothing in this section shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in Section 1A of Chapter 128 on property owned or leased by him, or the feeding of waterfowl or other birds by propagators licensed under Section 23 of Chapter 131 of the General Laws when such waterfowl or other birds are confined in such a manner as may be required, pursuant to said Section 23 and any Rules and Regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees of waterfowl lawfully kept as a pet by that person.

(c) 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 city council members thereof by first-class mail.

(d) This section may be enforced by City of Peabody animal control officers, agents or members of the Peabody Board of Health, agents or members of the Peabody Department of Parks, Recreation, and Forestry, agents or members of the Peabody Conservation Commission, Commonwealth of Massachusetts environmental police officers, and other enforcement officers of the Division of Law Enforcement.

(e) Any person who violates any provision of this section shall be subject to a warning for the first offense and a fine of \$10.00 for each subsequent offense thereafter. In lieu of enforcement through criminal proceedings, an enforcing person may, at his or her discretion enforce this section by non-criminal disposition in accordance with Massachusetts General Laws Chapter 40, Section 21D.

(Ord. No. 08-06, § 1, 4-25-06)