

WATER BIRD AND BIRD CONTROL ORDINANCE
TOWN OF DEDHAM
Adopted: June 16, 2007

Title:

This ordinance shall be known and may be cited as the “Water Bird and Bird Control Ordinance” of the Town of Dedham.

Section 1. Statement of Fact

The large number of water birds and birds attracted by feeding and baiting in and around public and private swimming areas, parks, and boat launching areas of the lakes and ponds increases the presence of harmful bacteria which present a threat to public health and results in lessened water quality.

Section 2. Purpose

The purpose of this ordinance is to control the feeding and baiting of migratory and non-migratory water birds and birds (hereinafter referred to as “birds” and defined in 4.a) in order to protect the public health and the water quality of the lakes and ponds in Dedham by reducing the amount of fecal matter from these birds deposited in the water and on the adjacent public and private shoreline and waterfront property caused in part by the feeding and baiting of these birds by the public.

Section 3. Prohibited

No person, except the Commissioner of the Maine Department of Inland Fisheries and Wildlife or his designee or the Director of the U.S. Fish and Wildlife Service or his designee in the conduct of waterfowl management practices, shall feed or bait, any migratory or non-migratory birds in or over the water within the Shoreland Protection area in the Town of Dedham as identified in Shoreland Zoning Ordinance of the Town of Dedham.

Section 4. Definitions

The following definitions shall apply unless the context clearly indicates another meaning:

- a. **Water Birds and Birds** shall mean any waterfowl of the family Anatidae (ducks and geese), and/or the family Laridae (gulls), and/or the family Falconidae and Accipitridae (birds of prey) either migratory, non-migratory or resident birds.
- b. **Feeding and Baiting** shall mean the placing, exposing, depositing, distributing or scattering, directly or indirectly, of shelled corn, shucked or unshucked corn, wheat or other grains, bread, salt or any other feed or nutritive substances, in any manner or form, so as to lure, attract, or entice birds to, on or over any such areas where such feed items and or materials have been placed, exposed, deposited, distributed or scattered.

Section 5. Enforcement

This ordinance may be enforced by any Animal Control Officer, Code Enforcement Officer, Health Officer or his designee of the Town of Dedham.

Section 6. Penalty

Whoever violates any provision of this ordinance shall be fined as determined by the Selectmen to be recovered, on complaint, to the use of the Town of Dedham. If the Town is the prevailing party in any action brought to enforce this ordinance, the Town must be awarded reasonable attorney's fees, expert witness fees, and costs.

Section 7. Severability

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.