

WATERFOWL CONTROL ORDINANCE OF THE TOWN OF NEWPORT

Title:

This ordinance shall be known and may be cited as the "Waterfowl Control Ordinance" of the Town of Newport.

Section 1. Statement of Fact:

The large number of fowl attracted by feeding and baiting in and around public and private swimming areas, parks and boat launching areas of Sebasticook Lake increases the presence of harmful bacteria which present a threat to public health. Fecal matter from waterfowl contributes to the phosphate loading of Lake Sebasticook thereby resulting in lessened water quality.

Section 2. Purpose:

The purpose of this ordinance is to control the feeding and baiting of migratory and non-migratory waterfowl (hereinafter referred to as "fowl") and those fowl classified as gulls in order to protect the public health and the water quality of Sebasticook Lake by reducing the amount of fecal matter from these fowl deposited in the water on the adjacent public and private shoreline and waterfront property caused in part by the feeding and baiting of these fowl by the public.

Section 3. Prohibited:

No person, except the Commissioner of the Maine Department of Inland Fisheries and Wildlife or his/her designee or The Director of the U.S. Fish and Wildlife Service or his/her designee in the conduct of waterfowl management practices, shall feed or bait, any migratory or non-migratory waterfowl or fowl in or over the water within the Shoreland Protection area in the Town of Newport as identified in Shoreland Zoning Ordinance of the Town of Newport. This ordinance is not intended to prohibit the raising of domestic waterfowl as allowed by any other ordinance(s). Except that domestic waterfowl must be securely contained or penned in an enclosure in an area so as to prevent fecal matter from the waterfowl entering Lake Sebasticook.

Section 4. Definitions:

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

- A. Waterfowl and Fowl shall mean any waterfowl of the family Anatidae (ducks and geese) and/or the family Laridae (gulls) either migratory, non-migratory or resident fowl.

- 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 fowl 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/her designee or Police Officer of the Town of Newport. \

Section 6. Penalty:

Whoever violates any provision of this ordinance shall be fined not less than \$25.00 to be recovered, on complaint, to the use of the Town of Newport. 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. Civil process may be waived upon complaint by payment to The Town of Newport of the \$25.00 fine within 7 days of date of complaint.

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.

Signed November 27th 1996 by the Selectman

"Attest, a true copy of an ordinance entitled Waterfowl Control Ordinance of the Town of Newport, as certified by the municipal officers of the Town of Newport, Maine, and adopted by the Town meeting on the 4th day of December 1996".

Date: 08/30/2012

Signature: Paula A. Scott, CMC
Municipal Clerk