

PURSUANT TO SECTION 7-148(b) OF THE CONNECTICUT GENERAL STATUTES
REGARDING THE ORDINANCE POWERS GRANTED TO A MUNICIPALITY;

In recognition that black bears and other wildlife that pose potential risk to humans are wild animals and should be left alone for the welfare and safety of both the animals and our residents and guests, it is hereby enacted by the Town of North Canaan.

FEEDING OF BEARS

1. No person shall:
 - A. Feed, give, place, expose, deposit, distribute or scatter any edible material or other attractant with the intention of feeding, attracting or enticing a bear; or store any pet food, including birdseed, garbage or other bear attractants in a manner that will result in bear feeding or baiting ("attracting").
 - B. Subsection (A) above shall not apply in the case of unintentional attraction of a bear. "Unintentional attraction" means using or placing any material for a purpose other than to attract or entice bears, but which results in the attraction or enticement of a bear;
 - a. However, if a person is unintentionally attracting bears and is notified by town officials to cease activities that are attracting and habituating bears, such unintentional feeding will thereafter be reclassified as intentional attracting.
 - b. Growing of agricultural products and/or raising of livestock, for example, but not limited to chickens, goats, pigs, vegetables, berries and fruit trees, for farming or personal use, shall be considered an exception to this subsection, and shall not be considered to be intentional attracting under this ordinance.
2. Any person who violates the provisions of Section 1.A. of this ordinance shall be liable to a civil penalty of up to \$250 for each offense, which will increase incrementally by \$100 per offense thereafter, if the feeding does not stop. No person shall be assessed a civil penalty pursuant to Section 2 unless the person has first been issued a prior written warning for a violation of Section 1.A.
3. The Town of North Canaan, Board of Selectmen, are hereby authorized and empowered to mitigate a claim for a penalty under Section 2 in such amount, which in the sole discretion of the Board of Selectmen, may appear appropriate and equitable after consideration of the circumstances;
4. The provisions of this ordinance shall be enforced by the Town of North Canaan Animal Control Officer, the Connecticut State Police Troop "B" (Resident State

Trooper), other duly authorized police officers, and enforcement officers with the Department of Energy and Environmental Protection (DEEP), as allowed by State Statute.

5. Nothing in this ordinance shall be construed to restrict in any way the attraction, capture or taking of bears, by or at the direction of DEEP for management, population control or research purposes. As appropriate, or in the event that the State allows bear hunting or bear baiting for hunting or control purposes, the revised State regulations shall override the provisions of this ordinance.
6. The Town may institute a civil action in a court of competent jurisdiction to enforce the provisions of this ordinance against any person who violates said provisions, including an action to collect any civil penalties imposed hereunder and an action for injunctive relief to prohibit and prevent a violation of this ordinance.
7. Any person aggrieved by these actions of the Board of Selectmen's enforcement of this ordinance, may appeal the action in accordance with the procedures and provisions of Connecticut General Statutes, Sec. 7-152c.

The provisions of this ordinance shall apply to all persons except those with a valid permit issued by the State of Connecticut, Department of Energy and Environmental Protection.