

**RESOLUTION NO. 620 -2020, ADOPTING LOCAL LAW
NO. 38 -2020, A LOCAL LAW TO PROHIBIT THE FEEDING
OF WILD ANIMALS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 3, 2020, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT THE FEEDING OF WILD ANIMALS IN SUFFOLK COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 38 -2020, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT THE FEEDING OF WILD ANIMALS IN
SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County strives to protect both its wildlife and the interests of its residents.

This Legislature also finds and determines that the feeding of wild animals is disruptive to the natural feeding habits and digestive health of those animals.

This Legislature finds that the feeding of wild animals creates a dependency on human interaction for sustenance, making them more likely to gather in large numbers and exhibit aggressive behavior.

This Legislature determines that over a period of time, wild animals which are fed by people tend to become both a public and private nuisance and present a public health concern for the communities affected.

This Legislature further determines that the population of wildlife increases in areas where they are intentionally fed, which creates an unsafe environment for both the wild animals and residents.

This Legislature also finds that it is in the best interest of both the wild animals and the residents of Suffolk County to prohibit the feeding of wildlife.

Therefore, the purpose of this law is to prohibit the feeding of wild animals in Suffolk County.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

PERSON – an individual.

NUISANCE BIRDS – any bird species that may have harmful environmental, economic, or public health impact, such as gulls, mute swans, and/or Canada geese.

WILD ANIMAL – any animal, which is not normally domesticated in New York State, including but not limited to coyotes, deer, foxes, groundhogs, opossums, raccoons, skunks, and nuisance birds other than songbirds or hummingbirds.

Section 3. Prohibitions.

- A. No person shall purposely or knowingly feed, bait, or in any manner provide access to food to any wild animal in Suffolk County, except as provided for in Section 5 of this law.
- B. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, or grain in a manner that would attract wild animals in Suffolk County.
- C. After an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food source or attractants to wild animals.

Section 4. Exceptions.

The following individuals and organizations are permitted to feed wild animals:

- A. Veterinarians or other trained professionals who are rehabilitating an injured or otherwise incapacitated wild animal; and
- B. Certified wildlife foundations or other non-profit organizations which focuses efforts on rehabilitating injured or otherwise incapacitated wild animal.
- C. Any agent of Suffolk County or New York State authorized to implement an alternative control method set forth in any approved wild animal management plan.

Section 5. Feeding of Certain Backyard Birds Permitted.

Feeding of wild birds, except nuisance birds and waterfowl, shall be permitted outdoors, provided that such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property. Excessive dropping accumulation or the attraction of rodents may be considered an unreasonable disturbance on surrounding property owners.

Section 6. Enforcement.

- A. This law shall be enforced by the Suffolk County Department of Health Services.

- B. Enforcement shall be on a complaint basis.

Section 7. Rules and Regulations.

The Commissioner of the Suffolk County Department of Health Services shall issue and promulgate such rules and regulations as he or she shall deem necessary to implement the provisions of this law. The rules and regulations issued by the Commissioner shall specifically address what constitutes both an unreasonable disturbance and an excessive accumulation of droppings as referenced in Section 5 of this law.

Section 8. Penalties.

- A. Any person who violates any provision of this law shall be liable for a fine of not less than fifty dollars (\$50.00) and not more than five-hundred dollars (\$500.00) for each offense, together with the costs of prosecution.
- B. Each separate offense shall be deemed committed on each day or part of the day during which a violation occurs or continues.
- C. No fine shall be implemented unless the alleged violator has received notice and has been given the opportunity to be heard. Notice shall be served upon the alleged violator, either personally or by certified mail, and shall contain a concise statement of the facts constituting the alleged violation or violations, as well as setting forth the date, time and place the hearing will be held.

Section 9. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 10. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 11. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate

SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 12. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED: September 9, 2020

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: September 24, 2020

After a public hearing duly held on September 21, 2020
Filed with the Secretary of State on October 7, 2020