



## BY-LAW

### 2021-93

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#### Being a By-law to Prohibit the Feeding of Wildlife and Feral Animals within the Township of Huron-Kinloss

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**WHEREAS** Subsection 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Act"), provides authority for lower tier municipalities to pass by-laws to regulate animals;

**AND WHEREAS** the Township deems it desirable to prohibit the feeding of wild animals and feral domestic animals that cause a threat to public health, safety and welfare to the inhabitants of the Township of Huron-Kinloss;

**AND WHEREAS** subsection 391(1) of the Act authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

**NOW THEREFORE** the Council of The Corporation of the Township of Huron-Kinloss hereby enacts as follows:

#### 1.0 Definitions

1.1 For the purposes of this by-law:

- (a) "**Animal**" means any member of the animal kingdom, other than a human;
- (b) "**Attractant**" means any substance which could be reasonably expected to attract a wild animal or animals or does attract wild animals, strays, feral or abandoned animals;
- (c) "**Domestic Animal**" means an animal which would customarily share human habitat, and which would normally be considered dependent on humans for food and shelter. Shall not include an animal considered to be wild or indigenous to a species which would normally be considered to be wild;
- (d) "**Feed or Feeding**" means the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by wild animals, strays, feral or abandoned animals;
- (e) "**Feral Animal**" means any animal that is undomesticated, that in general, receives little human contact or care and lives outdoors or unconfined;
- (f) "**Feral Animal Colony**" means a group of feral animals that congregate, more or less, together as a unit and share a common food source;
- (g) "**Municipal Law Enforcement Officer**" means a person appointed by the Council of the Township to enforce the by-laws of the

Township, including this by-law, pursuant to section 15 of the Police Services Act, R.S.O. 1990, c. P. 15, as amended, and also includes any police officer appointed pursuant to the Police Services Act, R.S.O. 1990, c. P. 15, as amended;

- (h) "**Private Property**" shall include all property other than public property;
- (i) "**Public Property**" shall include any property belonging to the Township of Huron-Kinloss, the County of Bruce, the Province of Ontario, any School Board and any other public entity;
- (j) "**Township**" means the Council of The Corporation of the Township of Huron-Kinloss;
- (k) "**Wild Animal**" means all mammals wild by nature or domesticated animals that have become feral, as distinguished from the common domestic animal. A wild animal is one that can survive in its natural environment without the help of people. Some examples include, but are not exclusive to: deer, bears, squirrels, coyotes, skunks, foxes, raccoons, and the like.

### 3.0 GENERAL PROVISIONS

- 3.1 No person shall intentionally feed a feral animal or a wild animal or leave food or attractants of any type or in any form out of doors in such a manner as to attract or be accessible by a wild animal on private or public property.
- 3.2 No person shall place or allow any device or other material to be placed out of doors in such a manner as to attract or be accessible a wild animal on private or public property.
- 3.3 Every person shall immediately remove any food, attractant, device or other material placed out of doors in such a manner as to attract or be accessible by a feral or wild animal on private or public property.
- 3.4 No person shall intentionally feed, or cause to be fed, nuisance birds such as seagulls, near establishments serving food.
- 3.5 Section 3.1 does not apply to the feeding of songbirds on a property, provided the following feeding requirements are met by the owner or occupier:
  - (a) Seed is placed in a bird feeding device that is sufficiently above grade so as not to attract or be accessible by wild animals; and
  - (b) Spillage of seed upon the ground is removed by the property owner or occupier forthwith and disposed of in a manner that it does not attract wild animals, feral or stray domestic animals.
- 3.6 Section 3.1 does not apply in the following situations:
  - (a) the leaving of food as bait in a trap by a property owner to capture a nuisance animal inhabiting or habituating their property pursuant to the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41.
  - (b) the leaving of food as bait by a licensed trapper, and employee of a licensed wildlife or pest control agency, a Municipal Law Enforcement Officer, an Ontario Society for

the Prevention of Cruelty to Animals Agent or a Police Officer, in the performance of their work.

- (c) the leaving of food as bait for feral or stray cats by a person or agent acting on behalf of or in conjunction with a registered charitable or not for profit organization having a mandate to care for feral or stray animals.
- (d) any land in an agricultural zone being actively used for cropland or the raising or livestock.

#### **4.0 Penalties**

- 4.1 A Person who contravenes the provisions of this by-law is guilty of an offence and, on conviction, is liable to a fine pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

#### **5.0 Severability**

- 5.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

#### **6.0 Short Title**

- 6.1 This By-law may be referred to or cited as the "Feeding of Wildlife and Feral Animals By-Law".

#### **7.0 Coming into Force**

- 7.1 This By-law shall come into force and effect upon final passage

**READ a FIRST and SECOND TIME this 16<sup>th</sup> day of August, 2021.**

**READ a THIRD TIME and FINALLY PASSED this 16<sup>th</sup> day of August, 2021.**

  
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Mitch Twolan, Mayor

  
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Emily Dance, Clerk

Schedule 'A' To By-Law No. 2021-93  
 Part I Provincial Offences Act  
 Set Fine

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offences (Section(s))	COLUMN 3 Set Fines
1.	Intentionally feed a feral animal or a wild animal or leave food or attractants	3.1	250.00
2.	Allow to place or allow any device or other material to be placed out of doors in such a manner as to attract, or be accessible a wild animal	3.2	250.00
3.	Fail to remove any food, attractant, device or other material placed out of doors to attract, or be accessible by a feral or wild animal	3.3	250.00
4.	Allow to intentionally feed, or cause to be fed, nuisance birds	3.4	250.00