

**THE CORPORATION OF
THE TOWNSHIP OF GEORGIAN BAY**

BY-LAW 2020-035

Being a By-law with Respect to Prohibiting the
Feeding of Wildlife within the Township of
Georgian Bay

(Prohibit Feeding of Wildlife)

WHEREAS Section 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25 provides a municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25, assigns the sphere of jurisdiction of animals to lower-tier municipalities;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25 as amended states that a municipality may pass by-laws respecting protection of persons and property;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25 as amended states that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

AND WHEREAS Council deems the feeding of wildlife contributes to the destruction of private and public property;

AND WHEREAS Council deems the feeding of wildlife to cause a threat to public health, safety and welfare of the inhabitants of the Township of Georgian Bay;

AND WHEREAS it is considered desirable to pass a By-law relating to the feeding of wild animals within the boundaries of the Township of Georgian Bay.

NOW THEREFORE the Council of the Township of Georgian Bay enacts as follows:

1.0 Short Title

1.1 This By-law may be cited as the "Feeding of Wildlife By-law".

2.0 Definitions

For the purpose of this By-law, the following words and phrases shall have the following meanings:

2.1 **Animal** shall mean any member of the animal kingdom, other than a human.

- 2.2 **Attractant** shall include any substance that could be reasonably expected to attract wildlife or animal or does attract wildlife or animals, including by not limited to food products, pet food, feed, pellets, vegetables, grain, fruit or salt.
- 2.3 **Device** shall mean any feed stands, salt blocks, or other mechanisms employed to feed wildlife.
- 2.4 **Feed or Feeding** shall mean the intentional act of giving, exposing, depositing, distributing, or scattering any edible material with the intention of feeding, attracting or enticing wildlife and this does not include baiting during legal activities.
- 2.6 **Homing Bird** shall mean a bird that ordinarily has an ability to return to its nest using magnetoreception sensory, may also be referred to as a homing pigeon.
- 2.7 **Natural** shall mean food or other substances consumed by wildlife produced by or existing in nature, not artificial.
- 2.8 **Officer** means a police officer, municipal law enforcement officer or any other Person appointed by by-law to enforce the provisions of this By-law.
- 2.9 **Person** includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.
- 2.10 **Private Property** shall include all property other than public property.
- 2.11 **Public Nuisance** is deemed to include:
- (i) Homing Bird roosting, landing, or nesting on private property.
 - (ii) Homing Bird defecating on private property or persons; and,
 - (iii) Pigeons causing any interference with the quiet enjoyment of private property.
- 2.11 **Public Property** shall include any property belonging to the Township of Georgian Bay, the District of Muskoka, the Province of Ontario, the Dominion of Canada, any school board, and any other public entity.
- 2.12 **Wildlife** shall mean all mammals wild by nature or domesticated animals that have become feral, as distinguished from the common domestic animal. Wildlife or a wild animal is one that can survive in its natural environment without the help of people. Some examples included, but are not exclusive to: deer, bears, birds, squirrels, coyotes, skunks, foxes, raccoons, and the like.

3.0 General Provisions

- 3.1 No Person shall in the Township of Georgian Bay intentionally feed, cause to be fed, or provide, or make food attractants or other similar substance for the consumption of Wildlife.

- 3.2 No Person shall place or allow any device or other material to be placed outdoors or on any public or private property for the purpose of attracting or Feeding Wildlife.
- 3.3 Every Person shall promptly remove any attractants placed on public property or private property.
- 3.4 No Person shall cause a Public Nuisance for neighbouring property owners and/or occupiers. It shall be the Officer's determination as to whether a public nuisance has been created by Feeding of Wildlife.
- 3.5 No Person shall Feed song birds on public property or private property other than as provided below:
 - a. Bird feed only;
 - b. Seed is placed in a bird feeding device that is sufficiently above grade as to not attract or be accessible by other wild animals; and
 - c. Bird feeding practices do not attract large flocks of homing birds such as wild, feral, or domestic pigeons.

4.0 Exemptions

This By-law shall not apply to the following:

- 4.1 Any natural product that is growing on a particular land owned or occupied where wildlife is feeding.
- 4.2 Private Property vegetable gardens, flower beds, and related compost stations for personal use or enjoyment.
- 4.3 Licensed wildlife custodians that are the legal owner of the wildlife and the wildlife is kept under a valid certificate or permit, and is in compliance with Municipal, Provincial, or Federal by-law and permitting requirements.
- 4.4 Registered and private land trappers, wild game farms, and wildlife or animal control agencies within the limits of the Township of Georgian Bay.
- 4.5 Federal and Provincial Officer acting under wildlife management legislation and regulations.
- 4.6 Federal and Provincial regulations shall supersede any provisions of this By-law.
- 4.7 This By-law does not apply to any related Provincial or Federal policies or regulations related to feeding wildlife on crownland or waterways, including but not limited to, authorities under Ministry of Natural Resources, NAV Canada, Canada Coast Guard, Transport Canada, and Industry Canada.

5.0 Enforcement and Penalties

- 5.1 Any person found violating any of the provisions of this By-law is guilty of an offence and on conviction shall be liable to a fine pursuant to the Provincial Offences Act.

- 5.2 An Officer shall enforce the provisions of this By-law.
- 5.3 No person shall obstruct, hinder, or otherwise interfere with an Officer, in the lawful carrying out of their duties and responsibilities under the provisions of this By-law.
- 5.4 An Officer may enter on Public or Private land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- 5.5 Each day shall constitute a separate offence.

6.0 Severability

- 6.1 Should any part, section, subsection or portion of this By-law be repealed or declared by a court of competent jurisdiction to be illegal the same shall not affect the validity of the By-law as a whole or in part thereof, except for that which was declared to be invalid.

7.0 Set Fines

- 7.1 The set fines of this By-law shall come into force and take effect on the date of the approval by the Senior Justice, Ontario Court of Justice, Province of Ontario.

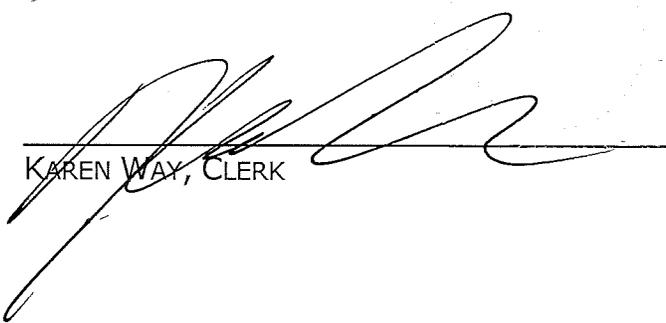
8.0 Effective Date

- 8.1 That the provisions of this By-law shall come into force and take effect on which day it receives final passing.

READ AND ENACTED in Open Council on this 10th Day of March, 2020.



PETER KOETSIER, MAYOR



KAREN WAY, CLERK

Township of Georgian Bay Part 1 Provincial Offences Act By-law 2020-035 – Feeding of Wildlife			
Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Intentionally feeding or cause to be fed any wildlife on either private or public property.	3.1	\$200.00
2	Placing or allowing any device or other material to be placed outdoors or on any public or private property for the purpose of attracting or feeding wildlife.	3.2	\$200.00
3	Failure to remove any attractions placed on the owner's or occupier's property from which wildlife feed.	3.3	\$200.00
4	Causing a Public Nuisance	3.4	\$200.00
5	Bird feeder(s) filled with substance/material other than bird seed.	3.5.(a)	\$200.00
6	Bird feeder not sufficiently above grade as to not attract or be accessible by other wild animals.	3.5.(b)	\$200.00
7	Bird feeding practices attracting large flocks of homing birds.	3.5.(c)	\$200.00

Note: The penalty provision for the offences listed above are in Section 5.1 of By-law 2020-035, a certified copy of which has been filed.