

THE CORPORATION OF THE TOWN OF GORE BAY

BY-LAW NO. 2015-24

BEING A BY-LAW RESPECTING THE USE OF BODY-GRIPPING TRAPS WITHIN THE CORPORATION OF THE TOWN OF GORE BAY

WHEREAS Section 8 and 10 of the Municipal Act, 2001 authorize the Town of Gore Bay to enact by-laws respecting, among other things, animals, the protection of persons and property, and health, welfare and well-being of persons;

AND WHEREAS THE Council of the Corporation of The Town of Gore Bay wishes to respond to concerns expressed by Town residents about the use of body-gripping traps within the Town of Gore Bay.

NOW THEREFORE the Council for the Corporation of the Town of Gore Bay enacts as follows:

1. DEFINITIONS

In this by-law:

- a) “Act” means the *Fish and Wildlife Conservation Act*, 1997, as amended;
- b) “body gripping trap” means a body gripping trap as defined in the Act;
- c) “Town” means the Corporation of the Town of Gore Bay;
- d) “Council” means the Corporation of the Town of Gore Bay Council;
- e) “Farmer” means a farmer as defined in the Act;
- f) “Officer” means a Police Officer or person appointed by by-law to enforce the provisions of this by-law;
- g) “Regulations” means any regulations made under the Act; and
- h) “trap” means trap as defined in the Act.

2. PROHIBITION

No person shall use or cause or permit to be used a body-gripping trap within the Town of Gore Bay.

3. EXEMPTIONS

3.1 Despite section 2.0, a person may use a body-gripping trap provided that person is in compliance with all trapping standards under the Act and:

- 1) that person is a farmer as defined in the Act, a member of a farmer’s family or a licensed trapper, and is using the body-gripping trip on lands within the Town of Gore Bay where agriculture is a permitted use, by zoning or by way of legal non-conforming use; or

2) that person is an authorized agent of the Town of Gore Bay; or

3) that person is an authorized agent of the Province of Ontario.

3.2 A person trapping by means of a body-gripping trap pursuant to an exemption on section 3.1 shall ensure that before engaging in any trapping:

1) warning sign(s) is(are) posted on the subject property in public view in the form and in accordance with the requirements identified in Schedule A to this by-law;

2) he or she is registered with the Town to trap within the Town;

3) an identification tag is issued by the Town is affixed to each trap;

4) each trap is inspected at least once daily, the traps cleared as required and a record of each trap's status, time and date of inspection is maintained and produced for inspection by the Town, upon request; and

5) a site plan or legible drawing showing the location of each trap, is provided to the Town.

3.3 Any person may apply to Council for an exemption from the prohibition in section 2.0, to permit such person to use a body-gripping trap for a period of time specified in such application.

3.4 In determining whether to grant an exemption, Council shall consider whether a threat to public health, safety or well-being exists which cannot be fully or expeditiously resolved using alternatives to body-gripping traps, such as live trapping or sound-emitting devices.

3.5 If an exemption is granted pursuant to section 3.3, in its authorizing document Council shall specify the number of traps and model of each trap to be used and the duration of the exemption;

3.6 A person trapping by means of a body-gripping trap pursuant to an exemption in section 3.3 shall ensure that before engaging in any trapping:

1) warning sign(s) is(are) posted on the subject property in public view in the form and in accordance with the requirements identified in Schedule A to this by-law;

2) he or she is registered with the Town is affixed to each trap;

3) an identification tag is issued by the Town is affixed to each trap;

4) each trap is inspected at least once daily, the traps cleared as required and a record of each trap's status, time and date of inspection is maintained and produced for inspection by the Town, upon request; and

5) a site plan or legible drawing showing the location of each trap, is provided to the Town.

6) the person executes an indemnity in favour of the Town in the form attached as Schedule B to this by-law;

7) any other condition(s) that Council deems reasonable and appropriate in the circumstances.

3.7 Where an exemption is granted, breach of any condition of that exemption shall render the exemption null and void, without any liability to the Town and the person to whom the exemption was granted shall be subject to compliance with this by-law as if the exemption had never been granted.

3.8 Every person applying to Council for an exemption pursuant to section 3.3 shall, at least 10 business days prior to the Council meeting at which the request for exemption is to be addressed, provide to the CAO/Clerk-Treasurer a complete and accurate application form, as provided by the Town, setting out the particulars respecting the exemption requested.

3.9 Every person exempted pursuant to section 3 of this by-law shall be responsible for all expenses associated with that exemption and use of exempted traps and shall register every body-gripping trap used pursuant to an exemption with the Town.

4. REGISTRY

The CAO/Clerk-Treasurer will maintain, a registry of body-gripping traps used within the geographical limits of the Town.

5. ENFORCEMENT

5.1 The CAO/Clerk-Treasurer shall be responsible for the administration of this by-law, any order made pursuant to section 431(a) of the *Municipal Act, 2001* in relation to the enforcement of this by-law or any order made pursuant to section 438(2) of the *Municipal Act, 2001* in relation to the enforcement of this by-law.

5.2 The provisions of this by-law may be enforced by an Officer.

5.3 Any Officer may enter on any land at any reasonable time or pursuant to an order under section 438(2) of the *Municipal Act, 2001*, for the purpose of carrying out an inspection to determine whether or not this by-law is being complied with.

5.4 For the purposes of an inspection under this by-law, any Officer may:

- 1) require the production for inspection of documents or things relevant to the inspection;
- 2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- 3) require information from any person concerning a matter related to the inspection; and
- 4) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

5.5 An inspection of any room or place actually being used as a dwelling, shall be subject to the provisions of section 437 of the *Municipal Act, 2001*.

5.6 Where an Officer determines that any provision of this by-law or a condition of an exemption granted under section 3.6 of this By-law is being contravened, the Officer may take any necessary steps to have the trap removed and the person responsible for the contravention shall be responsible for any costs associated with removal.

5.7 Where a trap is removed due to contravention of this by-law, the trap will be stored with the Town's Clerk's Department for a period of ten (10) days from removal. Upon the expiry of ten (10) days, if the trap is not retrieved by its owner, it will be disposed of by the Town at the owner's expense.

6. PENALTY

6.1 Every person or corporation who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a maximum fine of \$10,000.00.1

6.2 Every director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of this by-law is guilty of an offence and, upon conviction, is liable to a maximum fine of \$10,000.00.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 14TH DAY OF SEPTEMBER, 2015.

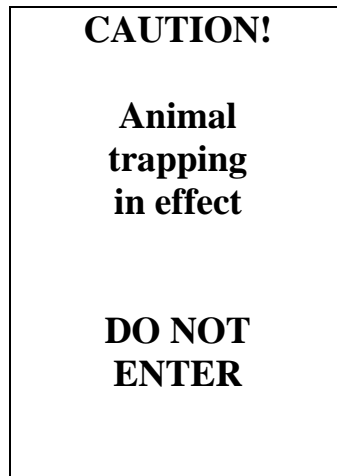
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Mayor

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Clerk

By-Law Number No. 2015-24
SCHEDULE A
Warning Sign Requirements

Warning signs required to be posted pursuant to this by-law shall:

- 1) be a minimum size of 12" x 12" (300mm x 300mm);
- 2) state the following message in bold black lettering with minimum letter size of 1.5" (38mm)



- 3) be constructed of a durable, sturdy material that is resistant to fading and deterioration;
- 4) be posted on a solid, stationary device at a minimum height of 6.0 feet (1.82m) from the ground to the bottom of the sign and no higher than 8.0 feet (2.42m) from the ground to the top of the sign;
- 5) be posted at least 72 hours immediately prior to the start of any trapping and maintained in place in good condition, including repair or replacement of the sign if necessary, until all trapping activity ceases;
- 6) be posted as follows where the property on which the trapping is to occur is a park, recreation facility, sports facility, or conservation area intended for public access:
 - a) four (4) signs shall be posted within a 164 feet (50m) radius to the trap, with a maximum distance of 230 feet (70m) between signs;
 - b) where there are designated paths or pedestrian trails within 164 feet (50m) radius of a trap, a minimum of (1) sign shall be posted at each of the trail or pedestrian access points; and
- 7) be posted as follow for all other properties:
 - a) signs shall be posted along every property line of the property on which trapping is to occur;
 - b) a minimum of one (1) sign shall be posted per property line;

c) despite subsection 7(b) of this Schedule, there shall be at least one sign posted every 300 feet (91.44m) along the property line;

d) signs shall be posted in such a manner and location so that they are clearly visible from the property, roadway, trail or the like that it is immediately adjacent such property line.

BY-LAW NO. 2015-24
SCHEDULE B

THE CORPORATION OF THE TOWN OF GORE BAY

Indemnity and Waiver

WHEREAS pursuant to section 3.3 of the Town's trapping by-law, Council for the Town has granted **(NAME)** an exemption from the prohibition on the use of body-gripping traps within the Town from **(DAY AND DATE)** inclusive, for the use of **(SPECIFY NUMBER AND TYPE OF BODY GRIPPING TRAPS)** ("the Traps").

AND WHEREAS as a condition of that exemption, Council for the Town has directed that **(NAME)** provide an indemnity to the Town in the form set out herein.

THEREFORE in consideration of the Corporation of the Town of Gore Bay permitting such exemption from the prohibition on the use of body-gripping traps within the Town, **(NAME)**, hereby indemnifies and saves the Corporation of The Town of Gore Bay harmless against and from any and all actions and claims including, without limitation, all claims for personal injury, death, property damage or nuisance arising from or in connection with the use of Traps or any act, deed or omission of **(NAME)** or any agent, contractor, or employee of **(NAME)** and against and from all costs, reasonable counsel fees, expenses and liabilities incurred in or about any such claim or any action or proceeding brought thereon. **(NAME)** further agrees to waive any and all claims, demands, damages, costs, expenses, actions, and causes of action against the Town of Gore Bay in respect of any property damage or personal injury, including death, howsoever caused arising directly or indirectly from or in connection with the use of the Traps.

Signed and Sealed on behalf of **(NAME)** this day of 20 .

Signature of Authorized Person

Signature of Witness

Name/Title: _____

Name: _____