

**THE CORPORATION OF THE TOWN OF GORE BAY**

**BY-LAW 2020-07**

**BEING A BY-LAW TO PROHIBIT THE FEEDING OF DEER AND OTHER WILDLIFE WITHIN THE BOUNDRIES OF THE TOWN OF GORE BAY**

**WHEREAS** citizens in the Town of Gore Bay have expressed concern that the feeding of deer contributes to the destruction of private property, increases the potential for car/deer accidents and the increased potential for contact with deer ticks that could result in contracting Lyme Disease;

**AND WHEREAS** the feeding of other wildlife including foxes, raccoons, skunks, and wild turkeys can contribute to car/turkey incidents and increased potential for contact with foxes, raccoons and skunks that could result in contracting rabies.

**AND WHEREAS** Council deems the feeding of deer and other wildlife to cause a threat to public health, safety and welfare to the residents and pets of the Town of Gore Bay.

**AND WHEREAS** Section 11 (3)(6) of the Municipal Act 2001 S.O. 2001, c. 25 grants authority to a lower tier municipality to pass by-laws respecting matters within a sphere of jurisdiction entitled "Animals";

**AND WHEREAS** Section 11 (2)(6) of the Municipal Act 2001 S.O. 2001, c. 25 grants authority to a municipality to pass by-laws respecting the health, safety and well being of persons;

**AND WHEREAS** Section 425 of the Municipal Act 2001 S.O. 2001, c. 25 grants authority to pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

**AND WHEREAS** Section 429 of the Municipal Act 2001 S.O. 2001, c. 25 grants the authority to a municipality to establish a system of fines for offences under a by-law of the municipality passed under this Act.

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GORE BAY ENACTS AS FOLLOWS:**

**1.0 DEFINITIONS**

- 1.1 "By-law Enforcement Officer" means a qualified person who is appointed by Council to enforce enacted and passed by-laws.
- 1.2 "Chipmunk" means an eastern chipmunk, common North American species, male or female.
- 1.3 "Council" means the elected Council for the Town of Gore Bay.
- 1.4 "Deer" means the white-tailed deer, common North American species, male or female.
- 1.5 "Feed or Feeding" means the intentional act of furnishing, or otherwise making available, food or other substance which is likely to be consumed or act as an attractant.
- 1.6 "Food" means fruit, grain, mineral, salt, vegetable, plant, pellet or any other type of consumable that is not a natural food.
- 1.7 "Fox" means a red fox, common North American species of foxes, either male or female.
- 1.8 "Natural Food" means food or other substance consumed by wildlife produced by, or existing in nature, not artificial.
- 1.9 "Occupier" means any person over the age of 18 who is in possession of a residence or property.
- 1.10 "Owner" means an individual or an entity in possession of title for land.
- 1.11 "Person" means an individual, corporation, partnership, agent or trustee and the heirs, executors, or other legal representation of a person to whom the context can apply to according to law.

- 1.12 "Porcupine" means a North American porcupine, common North American porcupine, either male or female.
  - 1.13 "Raccoon" means a common raccoon, common North American species of raccoon, either male or female.
  - 1.14 "Skunk" means the striped skunk, common North American species of skunks, either male or female.
  - 1.15 "Squirrel" means the eastern grey, black or red squirrel, common North American squirrel, either male or female
  - 1.16 "Town" means the Corporation of the Town of Gore Bay.
  - 1.17 "Turkey" means the eastern wild turkey, common North American species, male or female.
  - 1.18 "Wildlife" means non-domesticated mammals/birds such as chipmunks, deer, fox, porcupine, raccoon, skunk, squirrel or turkey.
- 2.0 PROHIBITIONS OF FEEDING
- 2.1 No Owner or Occupier of land within the boundaries of the Town shall intentionally Feed or cause to be Fed, provide or make available Food or other substances for consumption or attractant for Deer or other Wildlife, either on private or public property.
  - 2.2 No Owner or occupier of land within the boundaries of the Town shall have any device that Deer or other Wildlife will be attracted to or which Deer or Wildlife will actually feed from.
  - 2.3 Owners and Occupiers shall remove any previously listed food, attractants, substances for consumption or feeding devices that may have been placed on their property.
- 3.0 Exemptions
- 3.1 This bylaw shall not apply to any natural product that is growing on land that is owned or occupied.
  - 3.2 Private vegetable gardens, flower beds and related compost stations.
  - 3.3 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 Feeding device that is sufficiently high enough above grade so as not to attract or be accessible by Deer or Wildlife.
    - b) That bird Feeding practices do not attract large flocks of homing birds such as pigeons.
    - c) That spillage of seed upon the ground is removed and disposed of by the Owner or Occupier forthwith.
- 4.0 Enforcement
- 4.1 This By-law shall be enforced by the Town of Gore Bay By-law Enforcement Officer.
- 5.0 Penalty
- 5.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable upon conviction to a penalty as authorized by the *Provincial Offences Act*. (see Schedule "A")
  - 5.2 No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Town in the lawful exercise of a power or duty under this by-law.
- 6.0 Validity and Severability
- 6.1 If a court of competent jurisdiction should declare any 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 the by-law, and is hereby declared that the remainder of the by-law shall be valid and remain in force.
  - 6.2 Where a provision of this by-law conflicts with the provision of another by-law that is in force, the provisions that establish a higher standard to protect the health, safety and welfare of the general public [shall prevail].

7.0 Short Title

7.1 This by-law shall be known as the "Wildlife Feeding By-law" and shall come in effect upon passage.

8.0 Repeal

8.1 Upon passage this by-law will repeal by-laws 2005-17 and 2017-24

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

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MAYOR

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CLERK

**The Corporation of the Town of Gore Bay  
By-Law 2020-07  
Schedule "A"  
P.O.A. Part 1  
Set Fine Rates**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
1	Intentionally Fed Deer or Wildlife.	2.1	\$250.00
2	Having Feeding Device Set Out.	2.2	\$250.00
3	Failure to Remove Feed Materials Left by Others.	2.3	\$250.00
4	Hinder or Obstruct Officer.	5.2	\$500.00
5	Attempt to hinder or obstruct Officer.	5.2	\$500.00

Note: The penalty provision for the offences indicated above is section 5.1 of by-law numbered 2020-07, a certified copy of which has been filed.