

BY-LAW No. 2016-023
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD



Being by-law to prohibit the feeding of wildlife within the town of Collingwood.

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 Town Council deems the feeding of wild animals to cause a threat to public health, safety and welfare to the inhabitants of the Town of Collingwood;

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 it is considered desirable to pass a by-law relating to the feeding of wild animals within the boundaries of the Town of Collingwood;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD HEREBY ENACTS AS FOLLOWS:

1.Short Title

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

2.Definitions

"animal" means any member of the animal kingdom, other than a human;

"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;

"Council" means the Council of The Corporation of the Town of Collingwood;

"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;

“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;

“feral animal” means any animal that is undomesticated, that in general, receives little human contact or care and lives outdoors or unconfined;

“feral animal colony” means a group of feral animals that congregate, more or less, together as a unit and share a common food source;

“impound” means to confiscate, confine, hold or take possession;

“Municipal Law Enforcement Officer” means a person appointed under the authority of the Police Services Act for the purpose of enforcing by-laws;

“officer” means a Municipal Law Enforcement Officer or a Police Officer;

“private property” shall include all property other than public property;

“public property” shall include any property belonging to the Town of Collingwood, the County of Simcoe, the Province of Ontario, the Dominion of Canada, any School Board and any other public entity;

“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.General Provisions

3.1. No person shall intentionally feed 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 by 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 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 song birds 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.Exemptions

4.1. The Clerk of The Corporation of the Town of Collingwood may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

5.Enforcement

5.1. A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.

5.2. No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

6.Severability

6.1. Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

7.Penalties

7.1. Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Municipal Act, 2001, S.O. 2001 c. 25, as amended and/or the Provincial Offences Act, R.S.O. 1990, c.P.33.

8.Effective Date

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

ENACTED AND PASSED this 11th day of April, 2016.

Mayor's Signature

Clerk's Signature