

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2018 - 59

Being a By-law to prohibit the feeding of wildlife in the urban areas.

WHEREAS Sections 8, 9 and 10 of *the Municipal Act, 2001, S.O. 2001, c. 25*, as amended, authorize a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular: respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and animals;

AND WHEREAS Section 425 of *the Municipal Act* states that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 436 of *the Municipal Act* states that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law is being complied with;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts the following by-law, to be referred to as "The Deer Feeding By-law":

DEFINITIONS

- 1.1. **ANIMAL** means any member of the animal kingdom, other than a human;
- 1.2. **ENFORCEMENT OFFICER** means a person appointed by the Municipality to enforce by-laws;
- 1.3. **FEED** means the regular or intermittent supply of Food, with or without a person's intent, but does not include baiting during lawful activities;
- 1.4. **FOOD** means anything that can be consumed by an animal for sustenance, but does not include:
 - 1.4.1. Vegetation or animals that are part of the natural environment such as grasses or insects;
 - 1.4.2. Refuse or compost that is securely stored in a building, structure, container, or enclosure or is disposed of as per municipal by-law;
 - 1.4.3. Farm operations or apiaries;
 - 1.4.4. Fruit and vegetable gardens for human consumption;
 - 1.4.5. Ornamental plants and flowers;
- 1.5. **MUNICIPALITY** means the Municipality of Magnetawan;
- 1.6. **PREMISES** means a building or part of a building and any land appurtenant to the building or part of the building;
- 1.7. **URBAN AREAS** means any land in or within 500 metres of the Village of Magnetawan or Ahmic Harbour as per their original plans of subdivision, Plan 319 and Croft Plan 110 respectively;
- 1.8. **WILDLIFE** means an animal that belongs to a species that is wild by nature (i.e., not domesticated), but does not include:
 - 1.8.1. an animal being kept in accordance with the Municipality's by-laws
 - 1.8.2. an animal being fed in accordance with any by-law, statute or regulation or as part of research or practice undertaken by the provincial or federal governments or by a university, college or similar provincially or federally recognized research institution.

REGULATIONS

- 2. No person shall Feed or permit the Feeding of Wildlife in the Urban Areas.
- 3. Notwithstanding Section 2, a person may Feed or permit the Feeding of a bird in the Urban Area, not including waterfowl, if the bird is Fed on Premises owned or occupied by the person and such Feeding does not itself represent the unlawful Feeding of other animals.

ENFORCEMENT

- 4. An Enforcement Officer is authorized to enforce this By-law and to enter onto any property within the Municipality to inspect and determine whether or not this By-law is being met.
- 5. A person must not obstruct or interfere with an Enforcement Officer who has entered onto property pursuant to Section 4, or other person assisting the Enforcement Officer.
- 6. The Clerk-Administrator of the Municipality may prescribe any form, notice, ticket or other administrative matter required pursuant to this By-law.

OFFENCE AND PENALTY

- 7. Any person who contravenes or violates any portion of this By-law, fails or omits to do anything required under this By-law, or who permits, suffers or allows any act or thing to be done or omitted to be done in contravention or violation of this By-law, commits an offence; and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.
- 8. Upon being convicted of an offence under this By-law, a person shall be liable to:
 - 8.1. A minimum fine;
 - 8.2. A maximum fine of up to \$10,000;
 - 8.3. In the case of a continuing offence, for each day that the offence continues either or both of 8.1 and 8.2;
 - 8.4. Imprisonment for not more than 6 months.

COMMENCEMENT AND SEVERABILITY

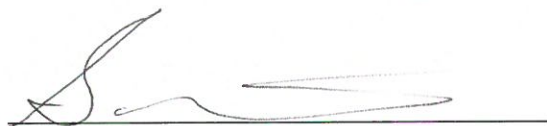
- 9. This By-law shall come into force and effect on the date of its final passing.
- 10. If any section or lesser portion of this By-law is held to be invalid by a Court, the invalid portion shall be severed without affecting the validity of the remaining portions of this By-law.

READ A FIRST TIME this 22nd day of August, 2018


READ A SECOND TIME this 22nd day of August, 2018

READ A THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 22nd day of August, 2018

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN



Mayor



Clerk-Administrator