

THE CORPORATION OF THE CITY OF ELLIOT LAKE

***B*Y-LAW NO. 10-69**

Being a by-law to prohibit
the feeding of wildlife
within the corporate limits
of the City of Elliot Lake.

OFFICE CONSOLIDATION (14-53)(16-32)

WHEREAS under section 11.(3).9 of the Municipal Act, 2001 a Municipality may pass by-laws respecting animals;

AND WHEREAS the Council of the City of Elliot Lake deems that the feeding of wildlife contributes to the destruction of private property, increases the potential for contact with unpredictable, aggressive and dangerous animals, increases the potential for contact and spread of infectious diseases and increases the potential for vehicular collisions;

AND WHEREAS Council deems the feeding of wildlife to cause a threat to public health, safety and well being of the residents of the City of Elliot Lake.

NOW THEREFORE the Council of the Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

SHORT TITLE

This by-law shall be known as the “Feeding of Wildlife By-Law”.

SCOPE

This By-Law shall apply to all land within the corporate limits of the City of Elliot Lake.

DEFINITIONS

As used in this By-Law, the following terms shall have the meanings indicated:

“Attractant”- shall include any substance that could be reasonably expected to attract Wildlife or domestic animals or does attract Wildlife or domestic animals, including but not limited to food products, pet food, feed, pellets, vegetables, grain, fruit, or salt.

“Device”- shall mean any feed stands, salt blocks, or other mechanisms employed to feed wildlife.

“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.

“Natural”- shall mean food or other substances consumed by Wildlife produced by, or existing in nature, not artificial.

“Wildlife”- shall mean any animal which is wild by nature and not normally domesticated in Ontario, including Waterfowl, Crows, Seagulls or other scavenging birds but excluding song-birds, squirrels and chipmunks. (14-53)(16-32)

PROHIBITION OF FEEDING

1. No owner or occupier of land within the City of Elliot Lake shall intentionally Feed, cause to be fed or provide or make available food attractants or other similar substance for the consumption of Wildlife within the boundaries of the City of Elliot Lake, on either private or public property.
2. No owner or occupier of land 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. Every property owner or occupier shall promptly remove any attractions placed on the owner’s or occupier’s property in violation of this By-Law.
4. Every property owner or occupier shall promptly remove any device placed on the owner’s or occupier’s property to which Wildlife are attracted or from which Wildlife actually Feed. Alternatively, a property owner or occupier may modify such device or make other changes to the property that prevents Wildlife from having access to Feeding from the Device.

EXEMPTIONS

This By-Law shall not apply to:

1. Any natural product that is growing on a particular land owned or occupied where Wildlife is Feeding.
2. 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 any Provincial or Federal permitting requirements.
3. The feeding of song-birds using a bird feeder, and using bird feed only. (14-53)

4. Registered and Private Land Trappers; Licensed Bear Management Area Operators, wild game farms and Wildlife or animal control agencies within the corporate limits of the City of Elliot Lake.
5. Private vegetable gardens, flower beds and related compost stations.

AUTHORITY: MUNICIPAL BY-LAW ENFORCEMENT OFFICERS

1. The enforcement of this By-Law shall be assigned to those employees that have been designated by Council as By-Law Enforcement Officers or by members of the City of Elliot Lake detachment of the Ontario Provincial Police (OPP)

PENALTY

Every person who contravenes any of the provision of this By-Law is guilty of an offense and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5000.00), exclusive of costs and every such fine is recoverable under the Provincial Offences Act.

This By-Law shall come into force and take effect as of the date of passing.

PASSED this 14th day of June, 2010.

MAYOR

CITY CLERK