



BY-LAW NO. 2008-169

A BY-LAW TO PROHIBIT THE FEEDING OF WILD ANIMALS WITHIN THE BOUNDARIES OF THE CITY OF OWEN SOUND

Originally Passed and Enacted December 1, 2008

Amended By By-law:	Passed On:
2009-055	April 6, 2009
2012-176	October 15, 2012

Consolidated Version
Revised and Verified June 20, 2013

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk's Department.

BY-LAW NO. 2008-169

THE CORPORATION OF THE CITY OF OWEN SOUND

A BY-LAW TO PROHIBIT THE FEEDING OF WILD ANIMALS WITHIN THE BOUNDARIES OF THE CITY OF OWEN SOUND

WHEREAS City Council deems the feeding of wild animals to cause a threat to public health, safety and welfare to the inhabitants of the City of Owen Sound; and

WHEREAS the Municipal Act grants authority to a lower tier municipality to pass By-laws with respect to matters within its sphere of jurisdiction entitled 'animals'; and

WHEREAS City Council deems it desirable to adopt a By-law to prohibit the feeding of wild animals within the boundaries of the City of Owen Sound;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. Definitions:

1. The following words, terms and phrases, when used within this By-law shall have the meaning described to them in this section, except where the context clearly indicates a different meaning:

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1.1 **"Wild Animal"** shall mean any species of mammals ~~or bird~~ wild by nature or normally 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; fox; squirrels; groundhogs; ~~geese~~; ~~seagulls~~; ~~pigeons~~; skunks; racoons, feral cats and the like.

1.2 **"Feed" or "Feeding"** shall mean the intentional act of furnishing, or otherwise making available, food or other substances which is likely to attract or be consumed by wild animals. Food includes all animal and vegetable waste and related waste produces resulting from the handling, preparation, cooking and consumption of food or drink.

1.3 **"Attractant"** shall include any substance which could be reasonably expected to attract a wild animal or does attract a wild animal, including, but not limited to, food products, pet food, feed, grain, meat or salt.

1.4 **"Natural"** shall mean food or other substances consumed by wildlife produced by, or existing in nature, not artificial.

1.5 **"Public Property"** shall include any property belonging to the City of Owen Sound, the County of Grey, the Province of Ontario, the Dominion of Canada, any School Board, and any other public entity.

1.6 **"Private Property"** shall include all property other than public property.

2. Prohibitions of Feeding

2.1 No person shall intentionally feed, cause to be fed, provide, or make available, food attractants (any fruit, grain, mineral, plant, salt, vegetable, pellets) or other substances for the consumption by wild animals within the boundaries of the City of Owen Sound, either on private property or on public property.

- 2.2 No person may 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 wild animals.
- 2.3 Every person shall immediately remove any materials placed on the owner's or occupier's property in violation of this By-law.
- 2.4 Every person shall immediately remove any device placed on the owner's or occupier's property to which wild animals are attracted or from which wild animals feed. Alternatively, a property owner or occupier may modify such a device or make other changes to the property that prevents wild animals from having access to feeding from the device. Failure to remove such device or to make such modifications within twenty-four (24) hours after notice served personally on any Owner or Occupant of the property where the contravention is occurring, or forwarded by prepaid mail to the Owner or Occupant at the address where the contravention is occurring, in which case the Notice shall be deemed to be received four days after mailing by the City of Owen Sound shall constitute a separate violation of this By-law.

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- 2.5 *No person shall intentionally feed, or cause to be fed, nuisance birds such as seagulls, near establishments serving food.*

3. Exemptions

- 3.1 This By-law shall not apply to any natural product that is growing on a particular land where feeding of wildlife or wild animals is occurring.
- 3.2 This By-law shall not apply to Licensed Wild Life Custodians, being the person who is legally the owner of a wild animal and the wild animal is kept under a valid certificate or permit and is in compliance with any Provincial or Federal legislation permitting requirements.
- 3.3 This By-law shall not apply to bird feeders, using bird feed only, which must be inaccessible to wild animals.
- 3.4 This By-law shall not apply to registered and private land trappers, wild game farms and wildlife or animal control agencies within the limits of the City of Owen Sound.
- 3.5 This By-law shall not apply to Federal and Provincial Officers acting under wildlife management legislation and regulations.
- 3.6 This By-law shall not apply to the feeding of animals in the City owned and operated menagerie at Harrison Park.
- 3.7 This By-law shall not apply to any lands in an agricultural area being actively used for cropland or the raising of livestock.

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- 3.8 *This By-law shall not apply to those individuals administering the City approved Feral Cat Rescue initiative provided such individuals are in compliance with applicable federal and provincial laws and regulations and applicable municipal by-laws and policies, including S.P No: CrS-BL4 the Feral Cat Rescue Policy.*

4. Enforcement

- 4.1 Any person who contravenes the provisions of this By-law is guilty of an offence and upon conviction therefore, is subject to the penalty set out in the Provincial Offences Act.
- 4.2 This By-law shall be enforced by the City of Owen Sound By-law Enforcement Officers, Owen Sound Police Services and the Animal Control Officers.

5. Effective Date

5.1 This By-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 1st day of December, 2008.

Signature on File
Mayor

Signature on File
City Clerk