

The Corporation of the Town of Atikokan

By-Law #24-11

*Being a by-law to prohibit the feeding of wildlife*

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, Part II, subsection 10(2) and Part III, subsection 128(1) confers Council to pass a by-law to prohibit the feeding of wildlife; and

WHEREAS Council deems the feeding of wildlife causes a treat to public health, safety and well being to the residents of the Town of Atikokan; and

WHEREAS Council deems it would be in the public interest to enact a by-law to prohibit the feeding of wild animals within the Town of Atikokan; and

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

NOW THEREFORE The Corporation of the Town of Atikokan ENACTS AS FOLLOWS:

**PART 1: Definitions**

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

- 1.1 "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.
- 1.2 "Device" shall mean any feed stand, hanging feeder, salt blocks, or other mechanisms employed to feed wildlife.
- 1.3 "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.
- 1.4 "Natural" shall mean food or other substances consumed by Wildlife produced by or existing in nature, not artificial.
- 1.5 "Wildlife" shall mean any animal which is wild by nature and not normally domesticated in Ontario, excluding birds, squirrels and chipmunks.

**PART 2: Prohibition of Feeding**

- 2.1 No owner or occupier of land within the Town of Atikokan shall intentionally feed, cause to be fed or provide or make available food attractants or other similar circumstances for the consumption of wildlife within the boundaries of the Town of Atikokan, on either private or public property.
- 2.2 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.

- 2.3 Every property owner or occupier shall promptly remove any attractants placed on the owner's or occupier's property in violation of this by-law.
- 2.4 Every property owner or occupier shall promptly remove any device placed on the owner's or occupier's property to which wildlife is attracted or from which wildlife actually feed. Alternatively, a property owner or occupier may modify such a device or make other changes to the property that prevents wildlife from having access to feeding from the device.

### **PART 3: Exemptions**

This by-law shall not apply to:

- 3.1 Any natural product that is growing on a particular land owned or occupied where wildlife is feeding.
- 3.2 Licensed Wildlife Custodians that are legal owners 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.
- 3.3 Bird feeders, using bird feed only.
- 3.4 Registered and Private Land Trappers; Licensed Bear Management Area Operators, wild game farms and wildlife or animal control agencies operating with the limits of the Town of Atikokan.
- 3.5 Private vegetable gardens, flower beds and related compost stations.

### **PART 4: Authority: Municipal By-Law Enforcement Officers**

- 4.1 The enforcement of this by-law shall be assigned to those employees that have been designated by Council as a By-Law Enforcement Officer or my members of the Ontario Provincial Police (OPP).


### **PART 5: Fines - Contravention**

- 5.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000.00) exclusive of costs and every such fine is recoverable under the Provincial Offenses Act, R.S.O. 1990, c. P.33, s.61 as amended.

This by-law shall come into force and effect on the final passage hereof.

READ a First time this 9<sup>th</sup> day of May, 2011.

  
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Mayor

  
\_\_\_\_\_  
Clerk

READ a Second time this 13<sup>th</sup> day of June, 2011.

Anna Brown  
Mayor

Angela Sharbot  
Clerk

READ a Third time and Finally Passed this 27<sup>th</sup> day of June, 2011.

Anna Brown  
Mayor

Angela Sharbot  
Clerk