

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE
BY-LAW NO. BL-2023-43

Being a By-law to Prohibit the Feeding of Wildlife on Municipal Property
Within the Township of Cramahe.

WHEREAS Section 128 (1) of the Municipal Act, 2001. S.O.. 25 as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, Section 11(3)9, assigns the sphere of jurisdiction of "Animals" to lower-tier municipalities; and

WHEREAS Council deems it necessary to prevent public nuisances on municipal property, municipal roadways, recreational areas, open spaces and parklands due to persons who feed or attract the wildlife, and through regulation and prohibition Council wished to promote the use and enjoyment of property in a healthy and sanitary manner; and

WHEREAS Section 2(1)(a)(ii) of the Trespass to Property Act states that every person who engages in an activity on premises when the activity is prohibited is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.00

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Township of Cramahe hereby enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

"Attractant" shall mean any substance which could be reasonably expected to attract, or does attract, wildlife;

"Authorized Sign" shall mean any sign, notice, or other device placed or erected in or upon Municipal property, under authority of this By-law;

"By-law Enforcement Officer" shall mean a person appointed or employed by the Township of Cramahe for the purpose of enforcing by-laws;

"Council" shall mean the Council of the Corporation of the Township of Cramahe;

"Designate" shall mean an individual whom is authorized by the By-law Enforcement Officer to act on their behalf on all municipally owned property;

"Device" shall mean any instrument, tool, appliance, or thing meant or intended to hold food.

"Feed or Feeding" shall mean the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by wildlife, and shall include the regular or intermittent supply of food, or allowing the placing or maintenance of a supply of food on a regular or

intermittent basis, which is accessible to wildlife;

“Municipality” shall mean the Corporation of the Township of Cramahe;

“Municipal Lands” shall mean all facilities and property owned by the Corporation of the Township of Cramahe;

“Officer” shall mean a Municipal By-Law Enforcement Officer or a Police Officer;

“Public Place” shall mean any streets, parks and trails, recreational facilities or properties owned by the Township of Cramahe;

“Wildlife” shall mean an animal that is wild by nature and not normally domesticated in Ontario, including but not limited to birds, squirrels, chipmunks, coyotes, foxes and raccoons.

2. GENERAL PROHIBITIONS

- 2.1 No person shall intentionally feed wildlife or leave food or attractants of any type or in any form in such a manner as to attract or be accessible to wildlife on municipal property.
- 2.2 No person shall place or allow any device or other material to be placed in a manner as to attract or be accessible to wildlife on municipal property.
- 2.3 Every person shall immediately remove any food, attractant, device or other material that may attract or become accessible to wildlife on municipal property.
- 2.4 No person shall intentionally feed, or cause to be fed, wildlife near establishments serving food.

3. SIGNAGE

- 3.1 The Township designate shall be authorized to post signage of restriction, warning or prohibition with respect to use of or activities on any municipal lands in accordance with the provisions of this by-law.

4. ENFORCEMENT & PENALTY

- 4.1 A municipal by-law enforcement officer, provincial offences officer, or other designate shall enforce the provisions of this by-law and may issue any fines as provided for in the by-law under *the Provincial Offences Act*.
- 4.2 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.
- 4.3 Any person who contravenes any portion of this by-law is guilty of an offence and upon conviction is liable to such fines and other penalties under the Provincial Offences Act, R.S.O. 1990, c.P-33 as amended.

5. SEVERABILITY

- 5.1 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.

Read a first, second and third time and finally passed this 26th day of September 2023.


Mandy Martin, Mayor


Nicole Hamilton, Deputy Clerk

SCHEDULE “A”

BY-LAW 2023-43

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

PROHIBIT THE FEEDING OF WILDLIFE

SET FINE SCHEDULE

<div>Failure to comply with By-law</div> <div>1st offence</div> <div>Per Section 2(1)(a)(ii) of the Trespass to Property Act</div>	<div>\$50.00</div>
<div>Failure to comply with By-law</div> <div>2nd Offence</div>	<div>\$100.00</div>