



THE CORPORATION OF THE CITY OF THUNDER
BAY

BY-LAW NUMBER 046-2012

A By-law to permit the hunting of **deer** by means of bow and arrow in certain areas of the City of Thunder Bay.

Recitals

1. The *Municipal Act, 2001*, S.O. 2001 c.25, as amended, provides that a single tier municipality may pass by-laws respecting animals and regulating the discharge of cross-bows, long-bows or any other weapon.
2. The Council of the Corporation considers it in the public interest to regulate the hunting of **deer** by means of a bow and arrow on privately owned lands within Thunder Bay. Excessive **Deer** populations contribute to the destruction of private and public property, to the unpredictable and aggressive behaviour of **Deer** which increases the opportunity for motor vehicle collisions involving **Deer**, and to the spread of infectious diseases among **Deer** and wildlife and human beings.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. Definitions:

Whenever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in the lettered clauses in this Section 1. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

- (a) “**Arrow**” means a shafted projectile designed to be shot from a bow.
- (b) “**Bow**” means any archery weapon designed to store energy in its limbs and release or to transfer this energy to an arrow, launching and propelling the arrow forward toward a designated target.

- (c) **“By-law”** means this by-law, as amended from time to time.
- (d) **“Corporation”** means The Corporation of the City of Thunder Bay.
- (e) **“Deer”** means white-tailed **deer**.
- (f) **“Officer”** means any person duly appointed to enforce the provisions of this By-law. The term includes any member of the Thunder Bay Police Service and any duly appointed municipal law enforcement officer.
- (g) **“Owner”** includes
- i) the registered owner of the land,
 - ii) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used,
 - iii) the lessee or tenant of the land,
 - iv) the occupant of the land, or
 - v) the licensee of the land.
- (h) **“Rural or Semi-rural”** means, when referring to land, land designated as “RU1-Rural Area Zone” or “RU2-Rural Residential Zone” pursuant to the provisions of the Corporation’s Zoning By-law.
- (i) **“Thunder Bay”** means the geographic area under the jurisdiction of the Corporation.

2. **Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.

(c) The words “include”, “includes”, “including”, or “included” are not to be read as limiting the phrases or descriptions that precede or follow them.

(d) The prohibition of any activity includes the actual doing of the activity, and also the causing, permitting or allowing that activity to be done by another person, or through inaction.

3. Severability:

If any section, clause or provision of this By-law, including anything contained in the schedules hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections, clauses and provisions of this By-law shall remain in full force and effect, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

4. Hunting Deer:

(a) Notwithstanding any provisions of Chapter 893 entitled FIREARM-WEAPON-DISCHARGE of the Corporation’s *Municipal Code*, a person may hunt **Deer** in Thunder Bay if he

- i) hunts only on Rural and Semi-rural privately owned lands located within the boundaries set out on Schedule “A” attached to and forming part of this By-law,
- ii) hunts only during the hunting season prescribed by the Province of Ontario,
- iii) hunts only while in possession of a valid hunting license issued by the Province of Ontario,
- iv) hunts only with a Bow and Arrow, as prescribed by the Province of Ontario,
- v) hunts only from a tree stand or other similar stand no lower than 3 metres in height,

vi) does not discharge a Bow and Arrow within 75 metres of a dwelling or of a highway,

vii) baits the **Deer** only during the period from November 1 to December 15 in the year,

viii) has received the prior consent in writing,

aa) of the Owner of the privately owned land where he is hunting, and

bb) of every Owner of privately owned lands which are located within a radius of seventy-five (75) metres of the tree stand or other similar stand.

cc) does not field dress the **Deer** or dispose of the remains or carcass of the **Deer** on the lands where he is hunting without the prior consent in writing of the owner of these lands.

(b) No person shall hunt **Deer** in Thunder Bay except in full compliance with the requirements and conditions set out in this By-law.

5. **Disposal**

No person shall dispose of the remains or the carcass of a **Deer** within a road allowance or on lands owned by the Corporation.

6. **Conflict**

In the event of a conflict between the provisions of this By-law and the provisions of Chapter 893 entitled FIREARM-WEAPON-DISCHARGE of the Corporation's *Municipal Code*, the provisions of this By-law shall prevail.

7. **Short Title:**

This By-law may be referred to as the "**Deer** Hunting By-law".

8. Offences and Penalties:

(a) Every person who contravenes any provisions of this By-law is guilty of an offence.

(b) Every person who interferes with an Officer in the lawful conduct of his duty in enforcing this By-law is guilty of an offence.

(c) Every person who is convicted of an offence under this By-law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c P.33, as amended.

9. Effect:

This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 14th day of May, A.D. 2012 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Ken Boshcoff

Acting Mayor

Linda Smith

Deputy City Clerk