



THE CORPORATION OF THE CITY OF THUNDER BAY

BY-LAW NUMBER 021-2012

A By-law to prohibit the feeding of deer within 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.
2. The Council of the corporation considers it appropriate to regulate the Feeding of Wildlife on all lands within Thunder Bay. The Feeding of Wildlife increases the population of Wildlife. An overpopulation of Wildlife can contribute to the destruction of private and public property and the unpredictable and aggressive behaviour of Wildlife. It also increases the opportunity for unwanted interaction between humans and Wildlife, including motor vehicle collisions involving Wildlife, and can cause the spread of infectious diseases among Wildlife and humans.

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

1. Definitions:

Wherever 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) **“Attractant”** means any substance that can either reasonably be expected to attract Wildlife, or actually does attract Wildlife. The term includes: food, food products, pet food, Feed, pellets, vegetables, grain, fruit, salt, corn, bait and similar substances. The terms **“Attract”** and **“Attracting”** have corresponding meanings. The term, however, excludes the following:
 - i. vegetables located in vegetable gardens, greenhouses, or pots;
 - ii. flowers in flower gardens, beds, or pots;
 - iii. landscaped lawns;
 - iv. landscaping vegetation (including cedar hedges);
 - v. fruit on fruit trees, whether naturally occurring or planted; and
 - vi. compost stations.

- (b) **“By-law”** means this by-law, as amended from time to time.
- (c) **“Corporation”** means The Corporation of the City of Thunder Bay.
- (d) **“Device”** means a mechanism used to Attract Wildlife, or capable of being used to Attract Wildlife. The term includes anything used to support or contain Feed. However, for the purposes of this By-law, the term excludes bird feeders marketed for, and commonly used to, Attract or Feed wild birds.
- (e) **“Feed”** when used as a noun means any material that is edible to Wildlife. **“Feed”** when used as a verb means the act of giving, exposing, depositing, distributing, scattering or making available any material that has the effect of feeding, Attracting or enticing to eat. **“Feeding”** and **“Fed”** have corresponding meanings.
- (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) **“Thunder Bay”** means the geographic area under the jurisdiction of the Corporation.
- (h) **“Wildlife”** means any non-domesticated animal, including geese, ducks and gulls, but excluding all other birds.

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. **Attracting Prohibited**: No person shall Attract any Wildlife within Thunder Bay.

5. **Feeding Prohibited**: No person shall Feed any Wildlife within Thunder Bay.

6. **Use of Devices Prohibited**: No person shall use a Device to Feed Wildlife in Thunder Bay.

7. **Exemptions**

Sections 4, 5 and 6 of this By-law do not apply to:

- (a) the growing of crops on a farm,
- (b) the planting or existence of fruit trees on property;
- (c) any Feeding or harbouring of livestock on a farm that has the indirect effect of Attracting Wildlife;
- (d) the operations of registered and private land trappers, licensed bear management area operators, wild game farms, wildlife control agencies and animal control agencies; or
- (e) the activities of bow hunters during the annual bow-hunting season.

8. **Offences and Penalties**

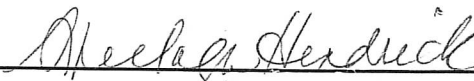
- (a) Every person who contravenes any of the provisions of this By-law is guilty of an offence.
- (b) Every person who interferes with an Officer in the lawful conduct of his duty in enforcing this By-law is guilty of an offence.
- (c) Every person who is convicted of an offence under this By-law is liable to a fine as provided for in the *Provincial Offences Act* , R.S.O. 1990, c. P.33, as amended.

9. **Short Title:** This By-law may be referred to as the “Wildlife Feeding Prohibition By-law”.
10. **Effect:** This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 27th day of February, A.D. 2012 as witnessed by the Seal of the Corporation and the hands of its proper Officers.



Acting Mayor



Deputy City Clerk

CERTIFIED TRUE COPY



Acting City Clerk