

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE  
BY-LAW NO. 2021-0009**

**A By-law to Regulate the Feeding of Wildlife**

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**WHEREAS** Sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c.25, as amended ("the Municipal Act"), authorize municipalities to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 and 9 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and animals;

**AND WHEREAS** section 425 of the Municipal Act authorizes the Town of Greater Napanee to pass by-laws providing that a person who contravenes a by-law of the Town of Greater Napanee passed under that Act is guilty of an offence;

**NOW THEREFORE** the Council of The Corporation of the Town of Greater Napanee enacts as follows:

**Section 1 - Definitions**

1.1 In this By-law:

**"Animal"** means any living creature other than a human, but includes birds;

**"Feed"** means the regular or intermittent supply of food, but does not include baiting during lawful activities, for example hunting;

**"Food"** means anything that can be consumed by an animal for sustenance, but does not include vegetation or animals that are part of the natural environment such as grasses or insects;

**"Nuisance"** means an act that endangers the life, health, property, morals or comfort of the public or obstructs the public in the exercise or enjoyment of rights common to all, and includes an unreasonable or unlawful use of property that results in material annoyance, inconvenience, discomfort, or injury to another person or to the public.

**"Officer"** means a Police Officer, a Municipal Law Enforcement Officer, or a Municipal Property Standards Officer appointed and/or responsible for the enforcement of this and other Town by-laws and may include his or her designate;

**"Premises"** means a building or a part of a building and any land appurtenant to the building or part of the building and does not include vacant land;

**"Town"** means the municipality of the Town of Greater Napanee or the geographic area of the Town of Greater Napanee as the context requires; and

**"Wildlife"** means any undomesticated animal that lives in its natural environment.

## **Section 2 - General Prohibition**

- 2.1 No person shall feed or permit the feeding of wildlife within the water and sewer serviced area of the Town, the boundaries of which are shown in Schedule "A" attached hereto and forming part of this by-law.
- 2.2 Despite Sub-section 2.1, a person may feed or permit the feeding of wildlife, if:
- (i) the wildlife is only fed on premises owned or occupied by the person; and
  - (ii) there is no accumulation of wildlife food or feces; and
  - (iii) the feeding of wildlife does not cause a public nuisance.

## **Section 3 - Exemption**

- 3.1 This by-law shall not apply to any feeding of wildlife done within the Town by Sandy Pines Wildlife Centre or any other provincially licensed wildlife rescue.

## **Section 4 - Administration and Enforcement**

- 4.1 The Town Clerk is authorized to administer and enforce this by-law.
- 4.2 The Town Clerk may assign Officers to enforce this by-law and Officers so assigned to enforce this by-law shall have the authority to carry out inspections.
- 4.3 The Town Clerk or an Officer may:
- (a) enter on land at any reasonable time and in accordance with the conditions set out in Sections 435, 436 and 437 of the Municipal Act, for the purpose of carrying out an inspection to determine whether this by-law is being complied with; and,
  - (b) undertake an inspection pursuant to an order issued by a Provincial Judge or Justice of the Peace under Section 438 of the Municipal Act, where he or she has been prevented or is likely to be prevented from carrying out an inspection under Section 3.3(a).
- 4.4 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

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- 4.5 Schedule "B" attached hereto and forming part of this by-law, establishes the set fine amount which must be approved or modified by an Order of the Regional Senior Justice pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
- 4.6 If a court of competent jurisdiction declares any provision or part of a provision of this by-law invalid, the provision or part of a provision is deemed severable from this by-law and the remainder of the By-law shall continue to be in force unless the court makes an order to the contrary.

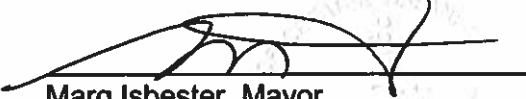
**Section 5 - Enactment**


- 5.1 That this by-law shall come into force on the date of its passing.

**Section 6 - Repeal**

- 6.1 That By-law No. 2020-0054 be hereby repealed.

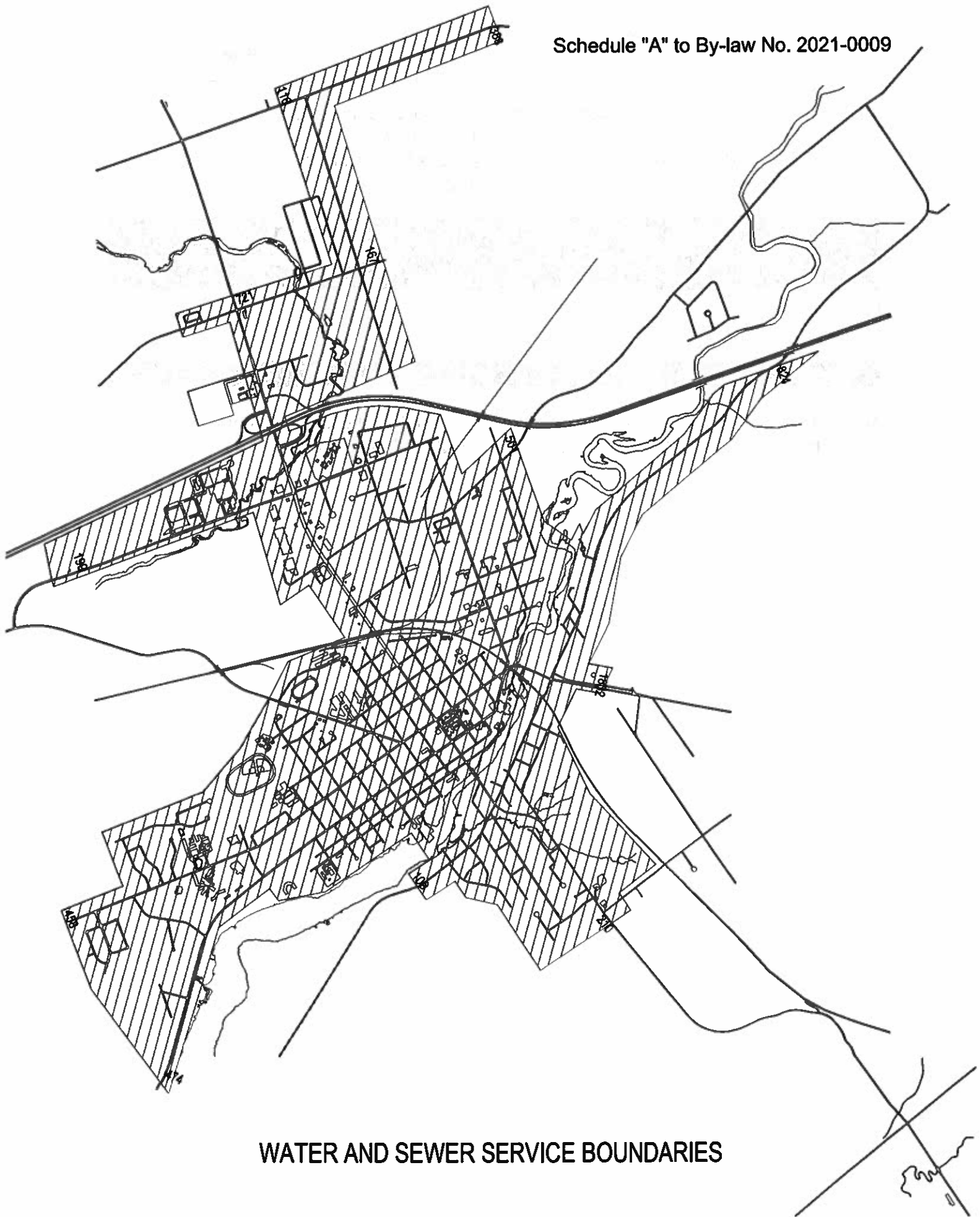
Read a first and second time and finally passed this 9<sup>th</sup> day of February, 2021.

  
Marg Isbester, Mayor

  
Susan Beckel, Clerk

**The Corporation of the Town of Greater Napanee  
By-law No. 2021-0009: To Regulate the Feeding of Wildlife**

**Schedule "A" - Water and Sewer Service Area of the Town**



**WATER AND SEWER SERVICE BOUNDARIES**

The Corporation of the Town of Greater Napanee  
Part 1 Provincial Offences Act  
By-law No. 2021-0009: Regulate the Feeding of Wildlife  
Schedule "B"

Item #	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Feeding wildlife	Section 2.1	\$100.00

Note: The general penalty provision for the offence listed above is Section 4.4 of the By-law No. 2021-0009, a certified copy of which has been filed.

# ***PROVINCIAL OFFENCES ACT***

## **Part I**

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2021-0009, of the Town of Greater Napanee attached hereto is the set fine for that offence. This Order is to take effect on February 19<sup>th</sup>, 2021.

Dated at Ottawa, this 19<sup>th</sup> day of February 2021.

Electronic Signature:

A handwritten signature in black ink that reads "W. Vincent Clifford". The signature is written in a cursive style with a large, stylized initial "W".

W. Vincent Clifford  
Regional Senior Justice  
Ontario Court of Justice  
East Region

The Corporation of the Town of Greater Napanee  
Part 1 Provincial Offences Act  
By-law No. 2021-0009: Regulate the Feeding of Wildlife  
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Note: The general penalty provision for the offence listed above is Section 4.4 of the By-law No. 2021-0009, a certified copy of which has been filed.

The fine amount above is set by the Regional Senior Justice - Ontario Court of Justice, East Region.  
Dated: February 19, 2021  
Electronic Signature:

*W. Vincent Clifford*

W. Vincent Clifford  
Regional Senior Justice  
Ontario Court of Justice - East Region