

The Corporation of the City Of Kenora

By-law Number 51 - 2012

A By-law to Amend By-law Number 139-2008 being a By-law to Prohibit the Feeding of Wild Animals within the Boundaries of the City of Kenora.

Whereas Council adopted By-law Number 139-2008 on September 15, 2008, being a by-law to Prohibit the Feeding of Wild Animals within the Boundaries of the City of Kenora; and

Whereas on October 30, 2008, the Office of the Regional Senior Justice of the Ontario Court of the Northwest Region approved the schedule of Set Fines for By-law Number 139-2008; and

Whereas it is deemed necessary and expedient to amend By-law Number 139-2008 to meet changing requirements as it relates to the feeding of wild animals;

Now Therefore the Council of the Corporation of the City of Kenora enacts as follows:

1. The 'Definitions' section of By-law Number 139-2008 is hereby amended by replacing the existing definitions with the following:

The following words, terms and phrases when used within this by-law, shall have the meanings described to them in this section, except where the context clearly indicates a different meaning:

- a) **Attractant** will include any substance which could be reasonably expected to attract a wild animal or animals or does attract a wild animal or animals, including but not limited to food products, pet food, feed, grain or salt.
- b) **Bear**: means a black bear (*Ursus americanus*).
- c) **Bear resistant container**: means a fully enclosed container with a [metal] lid which can be completely closed with a latching mechanism that prevents access by bears. Any container which is overfilled so as to prevent latching is not a bear resistant container.
- d) **Bear resistant enclosure**: means a structure with four enclosed sides, roof, doors, and a latching device, of sufficient design and strength to prevent access by bears.
- e) **By-law Enforcement Officer** " means a person employed by the City of Kenora as a By-Law Enforcement Officer or a Municipal Law enforcement Officer under section 15.(1) of the Police Services Act RSO 1990 Chapter P15 s 15.(1)
- f) **"Feed" or "Feeding"** means the deliberate act of furnishing, or otherwise making available, food or other substances which is likely to be consumed by wild animals.
- g) **Garbage**: means any and all rubbish, trade waste, ashes, household waste, discarded matter, substances or objects, abandoned or discarded waste or vegetable or animal food, floor sweepings, crockery, glass or metal ware having contained food. Alternatively, any material that currently has no economic value to a local enterprise

and those items which are designated by the Municipality as being acceptable for refuse collection.

h) **Garbage collection day**: means the regular scheduled garbage pickup day established for each location in the City and shall include the adjusted date where public holidays occur.

i) **Grease barrel** means any container used to store discarded cooking oil and/or grease.

j) **Refuse**: includes all substances and materials which are an attractant to bears.

k) **Wildlife**: includes any animal which is wild by nature and not normally domesticated in Ontario.

l) **Wild animals** – all mammals other than domestic animals including but not limited to deer and bears, fox and wolfs.

m) **“Natural”** means food or other substances consumed by wildlife produced by, or existing in nature, not artificial.

n) **“Device”** includes but is not limited to feeding stands, salt blocks, grease barrel and garbage containers

2. The ‘Prohibitions of Feeding’ section of By-law Number 139-2008 is hereby amended by replacing the existing section of the by-law with the following wording:

a) No owner or occupier of land within the City of Kenora shall intentionally feed, cause to be fed or provide or make available food attractants (any fruit, grain, mineral, plant, salt, vegetable, pellets) or other substances for the consumption by wild animals within the boundaries of the City of Kenora, either on private property or on public property;

b) No owner or occupier of land may 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 wild animals.

c) Each property owner or occupier shall have the duty to remove any device placed on the owner’s or occupier’s property in violation of this by-law;

d) Each property owner or occupier shall have the duty to remove any device placed on the owner’s or occupier’s property to which wild animals or from which wild animals actually feed. Alternatively, a property owner or occupier may modify such a device or make other changes to the property that prevents deer from having access to feeding from the device. Failure to remove such a device or to make such modifications within twenty-four (24) hours after notice is given by the City of Kenora shall constitute a separate violation of this by-law.

e) No person shall accumulate, store, collect, deposit, distribute or scatter any attractant including but not limited to food wastes, discarded fruit, pet food, garbage, in such a manner as to promote an increase in wildlife activity.

- f) Outdoor fridges or freezers shall be inaccessible to bears
- g) Being advised by the By-law Enforcement Officer, compost shall be maintained in a manner that avoids odours. Meat or fish products or large amounts of fruit shall never be placed in the compost
- h) No person shall fail to take remedial action to avoid contact or conflict with bears after being advised by the enforcement officer that such action is necessary. Remedial action may include, but not limited to, removal of attractants such as barbeques, pet food, and bird feeders.
- i) Subsequent to initial contact or conflict with a bear, no person shall continue to provide an attractant, or otherwise fail to secure or remove any likely attractants, including but not limited to refuse, barbeques, pet food, and bird feeders.
- j) Every person providing an outdoor container or receptacle used for depositing or storing food waste or other edible waste that could attract bears shall provide a bear resistant container.
- k) The owner of every commercial, industrial, institutional and tourist accommodation building and every multiple residential development with three or more dwelling units, shall provide a garbage storage site located inside a building or within a bear resistant enclosure.
- l) The owner of a grease barrel shall empty it regularly, not allow it to overflow, and keep it in secure enclosures that prevent access to bears.
- m) Any person disposing of domestic and commercial refuse shall place the waste in one of the following between collection days:
 - 1) a building, house or garage that is inaccessible to bears (not in a carport, on a deck, patio, balcony, or in a yard)
 - 2) a bear resistant container
 - 3) a container that is placed in a bear resistant enclosure
 - 4) deposited at an appropriate Municipal disposal site.
- n) The owner of a bear resistant container or enclosure shall keep it closed and secure when waste is not being deposited and if the container becomes damaged, shall repair it within seven (7) days.
- o) Persons responsible for a special event shall collect refuse from the grounds of the event at the close of each day and deposit it in a bear resistant container, a bear resistant enclosure, or at a waste disposal site or in a building which is inaccessible to bears.

3. The 'Exemptions' section of By-law Number 139-2008 is hereby amended by replacing the existing section of the by-law with the following wording:

- a) This by-law shall not apply to any natural product that is growing on a particular land owned or occupied where feeding of wildlife is occurring.
- b) Licensed Wild Life Custodians - This person is the legal owner of the wild animal and the wild animal is kept under a valid certificate or permit and is in compliance with any Provincial or Federal permitting requirements.

- c) Bird feeders, using bird feed only, are allowed but must be inaccessible to wild animals. Minimum of 8'(eight feet) off the ground.
- d) This by-law will not apply to Registered and Private Land Trappers, Licensed Bear Management Area Operators, wild game farms and wildlife or animal control agencies within the City Limits.
- e) Garbage containers required for special events, such as weekend tournaments, weddings, outdoor conventions, and Canada Day celebrations are exempt from the bear resistant container requirement if the containers are emptied before 10:00PM on the day of the event.

5. Effective Date:

This by-law shall come into force and take effect upon third and final reading.

By-law read a First & Second Time this 16 day of April, 2012
By-law read a Third & Final Time this 16 day of April, 2012

The Corporation of the City of Kenora:

.....**Mayor**
David S. Canfield

.....**City Clerk**
Joanne L. McMillin