

# THE CORPORATION OF THE CITY OF KENORA

## BY-LAW NUMBER 139 - 2008

### A BY-LAW TO PROHIBIT THE FEEDING OF WILD ANIMALS WITHIN THE BOUNDARIES OF THE CITY OF KENORA.

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**WHEREAS** citizens in the City of Kenora have expressed concern that feeding of wild animals contributes to the destruction of private property and increases the potential for unpredictable, aggressive and dangerous animals. It also increases the potential for contact and spread of infectious diseases; and

**WHEREAS** Council deems the feeding of wildlife to cause a threat to public health, safety and welfare to the inhabitants of Kenora; and

**WHEREAS** the Municipal Act grants authority to a single tier municipality to pass by-laws respecting matters within a sphere of jurisdiction entitled "Animals";

**NOW, THEREFORE**, the Council of the Corporation of the City of Kenora enacts as follows:

#### **1. Definitions**

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) **Wild animals** – all mammals other than domestic animals (some examples include, but are not exclusive to deer, bears, fox, squirrels, groundhogs, etc.)
- b) **"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.
- c) **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.
- d) **"Natural"** means food or other substances consumed by wildlife produced by, or existing in nature, not artificial.
- e) "Device" refers to feeding stands, salt blocks, bird feeders less than 8' (eight feet) in height.

#### **2. Prohibitions of Feeding**

- 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.

**3. Exemptions**

- 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.

**4. Enforcement**

- a) Every person who contravenes any of the provisions of this by-law is guilty of an offense and is liable upon conviction to a penalty as authorized by the Provincial Offences Act. See attached Fine Schedule A.
- b) This by-law to be enforced by the City of Kenora By-law Enforcement Officers.

**5. THAT** By-Law Number 74-2008 of the City of Kenora is hereby repealed.

**6. Effective Date**

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

**By-law read a First & Second Time this 15 day of September, 2008**  
**By-law read a Third & Final Time this 15 day of September, 2008**

**THE CORPORATION OF THE CITY OF KENORA:**

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**Leonard P. Compton, MAYOR**

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**Joanne L. McMillin, CITY CLERK**