

**THE CORPORATION OF THE TOWN OF SMITHS FALLS  
BY-LAW NO. 9987-2018**

***A BY-LAW WITH RESPECT TO PROHIBITING THE FEEDING OF WILDLIFE WITHIN THE  
TOWN OF SMITHS FALLS***

---

WHEREAS the Municipal Act, S.O. 2001, c25 as amended states that a Municipality may pass by-laws respecting animals;

AND WHEREAS the Municipal Act, S.O. 2001, c25 as amended states that a Municipality may pass by-laws respecting health, safety and well-being of persons;

AND WHEREAS the Municipal Act, S.O. 2001, c25 as amended states that a Municipality may pass by-laws respecting protection of persons and property;

AND WHEREAS the Municipal Act, S.O. 2001, c25 as amended states that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become public nuisances;

AND WHEREAS Council deems the feeding of wildlife contributes to the destruction of private and public property;

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

**SECTION 1 –DEFINITIONS**

For the purpose of this by-law, the following words and phrases shall have the following meanings:

“Attractant” shall include any substance that could be reasonably expected to attract wildlife or domestic animals or does attract wildlife or domestic animals, including but not limited to food products, pet food, feed, pellets, vegetables, grain, fruit, or salt

“Device” shall mean any feed stands, salt blocks, or other mechanisms employed to feed wildlife

“Feed or Feeding” shall mean the intentional act of giving, exposing, depositing, distributing, or scattering any edible material with the intention of feeding, attracting or enticing wildlife and this does not include baiting during legal activities

“Natural” shall mean food or other substances consumed by wildlife produced by, or existing in nature, not artificial

“Wildlife” shall mean any animal which is wild by nature and not normally domesticated in Ontario, including birds

## **SECTION 2 – PROHIBITION OF FEEDING**

- 2.1 No owner or occupier of land within the Town of Smiths Falls shall intentionally feed, cause to be fed or provide or make available food attractants or other similar substance for the consumption of wildlife within the boundaries of the Town of Smiths Falls, on either private or public property (including parks).
- 2.2 No owner or occupier of land shall 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 wildlife.
- 2.3 Every property owner or occupier shall promptly remove any attractions placed on the owner's or occupier's property in violation of this By-law.
- 2.4 Every property owner or occupier shall promptly remove any device placed on the owner's or occupier's property to which wildlife are attracted or from which wildlife actually feed. Alternatively, a property owner or occupier may modify such device or make other changes to the property that prevents wildlife from having access to feeding from the device.
- 2.5 No owner or occupier of land shall cause a nuisance for neighboring property owners/occupiers. It shall be the by-law officer's discrimination as to whether a nuisance has been created by feeding of wildlife.

## **SECTION 3 – EXEMPTIONS**

This By-law shall not apply to:

- 3.1 Any natural product that is growing on a particular land owned or occupied where wildlife is feeding.
- 3.2 Licensed wildlife custodians that are the legal owner of the wildlife and the wildlife is kept under a valid certificate or permit, and is in compliance with any Municipal, Provincial or Federal bylaw/permitting requirements.
- 3.3 This By-law shall not apply to registered and private land trappers, wild game farms and wildlife or animal control agencies within the limits of the Town of Smiths Falls.
- 3.4 This By-law shall not apply to Federal and Provincial Officers acting under wildlife management legislation and regulations
- 3.5 Every person shall comply with the following requirements for a bird feeder:
  - 3.5 (i) bird feed only
  - 3.5 (ii) seed is placed in a bird feeding device that is sufficiently above grade as to not attract or be accessible by other wild animals;

3.5 (iii) bird feeding practices do not attract large flocks of homing birds such as wild, feral or domestic pigeons;

3.6 Private vegetable gardens, flower beds and related compost stations.

#### **SECTION 4 – FINES – CONTRAVENTION**

4.1 Any person found violating any of the provisions of this By-law is guilty of an offence and on conviction shall be liable to a fine pursuant to the Provincial Offences Act.

4.2 The Town shall be responsible for the administration and enforcement of this By-law, and any person(s) appointed by the Town, under an Agreement for Services as Animal Control Officer(s), shall be designated as Provincial Offences Officer for the enforcement of this By-law.

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal the same not affect the validity of the by-law as a whole or in part thereof, except for that which was declared to be invalid.
2. That the provisions of this by-law shall come into force and take effect on which day it receives third reading and is passed.
3. The set fines to this by-law shall come into force and take effect on the date of the approval by the Senior Justice, Ontario Court of Justice, Province of Ontario.

Read a First and Second time this 5th day of November, 2018

Read a third and passed on this 5th day of November, 2018

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk