



**The Corporation of the Municipality of Wawa
Staff Report**

Office of Infrastructure Services

Prepared For: Committee of the Whole	Report No.: KS 2023 - 01
Agenda Date: February 7, 2023	File No.: C11

Background

The Municipality has received express concerns, from residents, about feeding wildlife within the townsite of Wawa. Concerns raised range from destruction of property to the wildlife being a nuisance. There is concern for the potential of the wildlife to become unpredictable, aggressive and dangerous.

Considerations

Feeding of wildlife is a major concern in that citizens are inviting these animals into the settlement and population of Wawa. Wild animals are unpredictable at the best of times but to invite them by feeding is a recipe for eventual disaster.

Feeding wild animals does not domesticate them as pets. These animals are predators and survive in their own natural environment. By feeding wild animals, you are now bringing them into a settlement, which they do not understand, recognize or know how to act or react to situations in a domestic environment.

Feeding the wild animals contribute to the destruction of private property in the community. Wild animals are aggressive, unpredictable and can be dangerous animals. This behaviour can cause a threat to public health, safety and welfare to the inhabitants of Wawa.

It is known, from different sources, that domestic animals are disappearing from residents in the community. This can be attributed to, that wild animals have been feed previously and are expecting food to be available and when it is not, they hunt for food as they do in their own environment. The potential for wild animals to harm residents is real.

**Respectfully
Submitted By:**

**Prepared By:
Kevin Sabourin
Assistant Director Protective Services**

Staff Recommendation

The Assistant Director of Protective Services is requesting Council review policy to prohibit the feeding of wildlife within the Municipality and is making a recommendation to Council to pass a By-Law to adopt Feeding of Wildlife policy at next regular meeting on February 21, 2023.

Attachments

Draft Policy PE-014 Prohibit Feeding Wildlife





**The Corporation of the Municipality of Wawa
Policy Manual**

POLICY TITLE:	Prohibit Feeding of Wildlife
SUBJECT:	Prohibit Feeding of Wildlife in the Municipality of Wawa
POLICY NO.	PE-014
EFFECTIVE DATE:	February 7, 2023
ENACTED BY:	By-Law No.

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1. Policy Purpose

1.1. Short Title

This policy shall be cited as the “Feeding of Wildlife By-law”.

1.2. Scope

The provisions of this policy shall apply to all property within the Municipality of Wawa.

1.3. Enforcement

This policy may be enforced by a Municipal By-Law Enforcement Officer, a Police Officer or a Conservation Officer.

1.4. Obstruction

No person shall hinder or obstruct, or attempt to obstruct any person exercising a power or performing a duty under this policy.

1.5. Severability / Conflicts

If any section, subsection, part or parts of this policy is declared by any court of law to be invalid, illegal or beyond one’s legal authority, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

Nothing in this policy relieves any person from complying with any provision of any Federal or Provincial Legislation or any other policy of the Municipality of Wawa.

Where a provision of this policy conflicts with a provision of another policy in force in the Municipality of Wawa or any Provincial or Federal Legislation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

The Clerk of the Corporation of the Municipality of Wawa is authorized to make minor modifications or corrections of a grammatical or typographical nature to the policy and schedules after the passage of this policy where such modifications or corrections do not alter the intent of the policy.

1.6. Interpretation

In this policy;

- a) “may” shall be construed as permissive;
- b) “shall” shall be construed as imperative;
- c) “Includes”: the words – “include – includes – including and included” are not to be interpreted as restricting or modifying the words or phrases which precede them;
- d) Whenever this policy refers to a person or thing with reference to gender or the gender neutral, the intention is to read the policy with the gender applicable to the circumstances;
- e) References to items in the plural include the singular, as applicable;
- f) Headings are inserted for ease of reference only and are not to be used as interpretation aids;

- g) Specific references to laws in the policy are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario at the time the policy is passed and enacted by By-law, as they are amended or replaced from time to time.

2. Definitions

Definitions of words, phrases and terms used in this policy that are not included in the list of definitions in this section shall have the meaning which are commonly assigned to them in the context in which they are used in this policy. The words, phrases and terms used in this section have the following meaning for the purpose of this policy.

- 2.1. **“Animal”** means any member of the animal kingdom, other than a human or a plant
- 2.2. **“Attractant”** means any substance which could be reasonably expected to attract a wild animal or animals or does attract wild animals, strays, feral or abandoned animals;
- 2.3. **“Conservation Officer”** is a law enforcement officer who protects wildlife and the environment.
- 2.4. **“Council”** means the Council of the Corporation of the Municipality of Wawa;
- 2.5. **“Domestic Animal”** means an animal which would customarily share human habitat and which would normally be considered dependent on humans for food and shelter. Shall not include an animal considered to be wild or indigenous to a species which would normally be considered to be wild;
- 2.6. **“Feed or Feeding”** means the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by wild animals, strays, feral or abandoned animals;
- 2.7. **“Feral Animal”** means any animal that is undomesticated, that in general, receives little human contact or care and lives outdoors or unconfined;
- 2.8. **“Impound”** means to confiscate, confine, hold or take possession;
- 2.9. **“Municipal Law Enforcement Officer”** mean a duly authorized person appointed by the Council of the Municipality of Wawa to enforce the By-laws of the Municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing a by-law;
- 2.10. **“Police Officer”** is a sworn member of the Ontario Provincial Police.
- 2.11. **“Provincial Offences Act”** means the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, and regulations thereto.
- 2.12. **“Private Property”** shall include all property other than public property;
- 2.13. **“Wild Animal”** means all mammals wild by nature or domesticated animals that have become feral, as distinguished from the common domestic animal. A wild animal is one that can survive in its natural environment without the help of people.

Some examples include, but are not exclusive to: deer, bears, squirrels, coyotes, skunks, foxes, raccoons, and the like.

3. Regulations

- 3.1.** No person shall feed a wild animal or leave food or attractants of any type or in any form outdoors in such a manner as to attract, or be accessible by a wild animal on private or public property.
- 3.2.** No person shall place or allow any device, or other material to be placed outdoors in such a manner as to attract, or be accessible by a wild animal on private or public property.
- 3.3.** Every person shall immediately remove any food, attractant, device or other material placed outdoors in such a manner as to attract, or be accessible by a wild animal on private or public property.
- 3.4.** No person shall feed, or cause to be fed, nuisance birds such as seagulls and ravens.

4. Exemption

- 4.1.** Section 3.1 and 3.2 does not apply to the feeding of song birds on a property, provided the following feeding requirements are met by the owner or occupier:
 - a)** seed is placed in a bird feeding device that is sufficiently above grade so as not to attract or be accessible by wild animals; and
 - b)** spillage of seed upon the ground is removed by the property owner or occupier forthwith and disposed of in a manner that it does not attract wild animals, feral or stray domestic animals.
- 4.2.** Section 3.1 does not apply in the following situations:
 - a)** the leaving of food as bait in a trap by a property owner to capture a nuisance animal inhabiting or habituating their property pursuant to the *Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41* as amended.
 - b)** the leaving of food as bait by a licensed trapper, and employee of a licensed wildlife or pest control agency, a Municipal Law Enforcement Officer, an Ontario Society for the Prevention of Cruelty to Animals Agent a Conservation Officer or a Police Officer, in the performance of their work.
 - c)** the leaving of food as bait for feral or stray cats by a person or agent acting on behalf of or in conjunction with a registered charitable or not for profit organization having a mandate to care for feral or stray animals.
 - d)** to a 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.

- 4.3. The CAO/Clerk of The Corporation of the Municipality of Wawa may grant an exemption to any person from any provision of this policy and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this policy.
- 4.4. This policy will not apply to Bear Management Area operators outside the no discharge of firearms By-law or approve Predator Control hunters inside or outside the no discharge of firearm By-law.

5. Order

Discontinue Activity Order

- 5.1 If an Officer is satisfied that a contravention of the Feeding of Wildlife By-law has occurred, the Officer may make a 'Discontinue Activity Order' requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.
- 5.2 Pursuant to Section 5.1, the 'Discontinue Activity Order' shall set out:
- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and;
 - b) the date or dates by which there must be compliance with the order.
- 5.3 Every person shall comply with an order issued pursuant to Sections 5.1 of the policy.

6. Service

- 6.1 An order to discontinue contravening activity made under Section 5.1 may be served:
- a) by regular, registered or certified mail to the last known address of, as the case may be, the person who contravened the Feeding of Wildlife or who caused or permitted the contravention or the owner of the property on which the contravention occurred, in which case it shall be deemed to have been given on the fifth day after it was mailed;
 - b) by an Officer placing a placard containing the order in a conspicuous place on the property where the contravention occurred, in which case it shall be deemed to have been given on the day of the placement of the placard on the property;
 - c) personally, as the case may be, on the person who contravened the Feeding of Wildlife By-law or who caused or permitted the contravention or the owner of the property on which the contravention occurred.

7. Penalties

- 7.1 Any person who contravenes any of the provisions of the Feeding of Wildlife 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.

7.2 Each day on which a person contravenes any provision of the Feeding of Wildlife By-law shall be deemed to constitute a separate offence under the Feeding of Wildlife By-law as provided for in Section 429 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended.

7.3 Any person who contravenes an order made under Section 444 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, is guilty of an offence.

8. Enforcement

8.1 The Ontario Provincial Police, the Conservation Officers and Municipal Law Enforcement Officer shall enforce the provisions of the Feeding of Wildlife by-law.

9. Review

This policy shall be reviewed by each term of Council or as determined necessary by Council or the Chief Administrative Officer.

10. Policy Adoption and Review Guidelines

Date of Adoption by Council	By-Law No.	Date of Most Recent Review by Council	Changes Made Yes/No

11. References to Other Policies or By-laws

Policy Title	Policy Number	By-Law