



BY-LAW 19-077

of the

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to prohibit the feeding of wildlife within the City of Cambridge.

WHEREAS Section 8.1 of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 11(2) of the Municipal Act, 2001, S.O. 2001, c. 25, provides that a lower-tier municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Section 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25, provides that lower-tier municipalities may pass by-laws within the sphere of jurisdiction of "animals";

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, c. 25, further provides that without limiting Sections 9, 10 and 11 of the Act, a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and that the opinion of Council under that Section, if arrived at in good faith, is not subject to review by any Court;

AND WHEREAS Cambridge Council deems the feeding of a wild animal to cause a nuisance and considered to be a threat to public health, safety and welfare to the inhabitants of the City of Cambridge;

AND WHEREAS it is considered desirable to pass a by-law relating to the feeding of a wild animal within the boundaries of the City of Cambridge;

NOW THEREFORE BE IT RESOLVED THAT the Corporation of the City of Cambridge enacts as follows:

SHORT TITLE

1.0 THAT this by-law may be cited as the “Feeding of Wildlife By-law”.

DEFINITIONS

For purposes of this by-law, the following terms shall have the meanings set out herein:

“Animal” means any member of the animal kingdom, including vertebrates and invertebrates, other than a human.

“Animal Control Officer” means an employee of the Cambridge Humane Society whose duties include the enforcement of this by-law.

“By-law Enforcement Officer” means an employee of the City of Cambridge appointed by the Council of the City to administer and enforce the by-laws of the City.

“Council” means the Council of The Corporation of the City of Cambridge.

“Feed or Feeding” means the act of furnishing, or making food available.

“Feeding Device” means a mechanism that attracts or is intended to attract Wild Animals, and shall include anything used to support or contain food, but shall not include a bird feeder used in accordance with this by-law.

“Food” means the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by a wild animal, strays, feral or abandoned Animals but does not include:

- a) Composting materials kept in accordance with all applicable laws, regulations and by-laws;
- b) Landscaping materials or plants, trees or shrubs or
- c) Food being grown for human consumption.

“*Municipal Act, 2001*” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended from time to time, or any successor thereof.

“Nuisance” means a situation that is likely to adversely impact any owner or occupant of public or private property, and includes but is not limited to a situation which:

- a) results in the excessive accumulation of food, including bird seed and seed casings;
- b) results in the excessive accumulation of wild animal(s) feces;
- c) is likely to unreasonable interfere with the normal use and enjoyment of nearby premises; or

- d) results in the attraction of rodents (including mice or rats) or predatory wild animal(s) (including coyotes).

“Officer” means an Animal Control Officer, Municipal Law Enforcement Officer or a Police Officer.

“Private property” shall include all property other than public property.

“Public property” shall include any property belonging to the City of Cambridge, any School Board and any other public entity.

“Wild Animal” means any Animal that belongs to a species that is wild by nature or an Animal living in its natural habitat, as distinguished from a Domestic Animal. Examples include, but are not limited to: deer, bears, squirrels, coyotes, skunks, foxes, raccoons, and the like. A Wild Animal does not include:

- a) a permitted animal kept in accordance with City by-laws;
- b) a prohibited or restricted animal permitted to be kept by and kept in accordance with City by-laws;
- c) wild birds;
- d) feral cats; or
- e) an animal being fed as part of research undertaken by a university, college or similar provincially or federally research institution.

“Wild Bird” means a bird that is outdoors and not confined to a cage.

GENERAL PROVISIONS

- 3.1 No person shall feed or permit the feeding of a wild animal, on public or private property, in a manner that creates a nuisance.
- 3.2 No person shall place or allow any food, feeder or other material to be placed out of doors in such a manner as to attract, or be accessible by a wild animal on private or public property.
- 3.3 No person shall feed or permit the feeding of a wild bird, unless:
 - a) having the permission of the owner or occupant of the property on which the bird is fed;
 - b) ensuring that seed is placed in a bird feeding device that is sufficiently above grade so as not to attract or be accessible by wild animals;
 - c) ensuring that spillage of seed or other food upon the ground is promptly removed and disposed of in a manner that it does not attract wild animals; and
 - d) ensuring that the feeding does not create a nuisance.

- 3.4 Notwithstanding Section 3.3 of this by-law, no person shall feed, or permit the feeding of birds such as seagulls, near an establishment serving food that may be seen as a nuisance.
- 3.5 Sections 3.1, 3.2 and 3.3 do not apply to:
- a) the leaving of food as bait in a trap by property owner pursuant the *Fish and Wildlife Conservation Act, 1997, S.O.1997, c. 41*; or
 - b) the leaving of food as bait by a licensed trapper, and employee of a licensed wildlife or pest control agency, an Ontario Society for the Prevention of Cruelty to Animals Inspector, or a Police Officer, in the performance of their duties.

ORDER TO DISCONTINUE ACTIVITY

- 4.1 a) Where an Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.
- b) An Order under (4.1 a) shall set out:
- i) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - ii) the date by which there must be compliance with the order
- c) Any person who fails to comply with an order issued under this Section is guilty of an offence.

REMEDIAL ACTION

- 4.2 a) If a person fails to do a matter or thing, failing including comply with an order issued under this by-law, as directed or required by this by-law, the City may, in default of it being done by the person directed or required to do it, do the matter or thing at the person's expense. The City may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.
- b) The costs outlined in Section 4.2(a) of this By-law shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.
- c) The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the

date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office.

ENFORCEMENT

- 5.1 This by-law may be enforced by an Animal Control Officer, a By-law Enforcement Officer or a Police Officer.
- 5.2 No person shall obstruct, hinder, or otherwise interfere with, or attempt to obstruct, hinder or otherwise interfere with, any person who is exercising a power or performing a duty under this by-law.

INSPECTION

- 6.1 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - a) this by-law;
 - b) a direction or order of the City made under this by-law; or
 - c) an order made under Section 431 of the *Municipal Act, 2001*.
- 6.2 For the purposes of conducting an inspection, the City may, in accordance with the provisions of Section 436 of the *Municipal Act, 2001*:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any person concerning a matter related to the inspection; and,
 - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

PENALTIES

- 7.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a maximum of \$10,000.

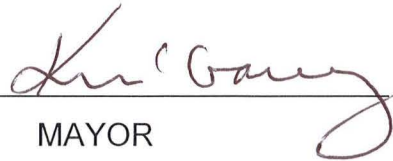
SEVERABILITY

8.1 Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

EFFECTIVE DATE

9.1 THAT this by-law shall come into full force on the day it is passed.

PASSED AND ENACTED this 21st day of May, 2019.


MAYOR


CLERK

May 21st, 2019

BY-LAW 19 - 077

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge
to prohibit the feeding of wildlife within the City of
Cambridge.

PASSED AND ENACTED this 21st day of May, 2019

MICHAEL DI LULLO, CITY CLERK