

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW NO. 2014-105

BEING A BY-LAW TO PROHIBIT THE DELIBERATE FEEDING OF BEARS (*URSUS AMERICANUS*) IN THE TOWNSHIP OF LAKE OF BAYS.

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, gives a municipality the following authorities;

- i) Section 10(2)6 to pass by-laws respecting the health, safety and well being of persons.
- ii) Section 10(2)9 to pass by-laws respecting animals.
- iii) Section 128(1) 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 WHEREAS the Township of Lake of Bays contains a substantial population of bears, some of which wander into areas of human habitation;

AND WHEREAS bears can become both a nuisance and hazard to the safety of humans and domestic animals and that the intentional human artificial feeding of bears causes an escalation in a threat to public health, safety and well being of the residents and visitors of the Township of Township of Lake of Bays.

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:

1. SCOPE:

This By-law shall apply to all the land in the geographic limits of the Township of Lake of Bays.

2. DEFINITIONS:

As used in this By-law, the following terms shall have meanings indicated:

- a) **Attractant:** includes any substance that could reasonably be expected to attract bears, other wildlife or domestic animals including but not limited to food products, refuse, pet food, pellets, feed, fruit, grain, salt or vegetables.
- b) **Bear:** a black bear (*Ursus americanus*)
- c) **Bear resistant container:** a fully enclosed container with a metal lid which can be completely closed with a latching mechanism that prevents access by bears.
- d) **Bear resistant enclosure:** a structure with four enclosed sides, roof, doors and a latching device of sufficient design and strength to prevent access by bears.
- e) **Feed:** to give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting or enticing bears but does not include baiting during legal bear hunting activities.

- f) **Grease barrel:** any container used to store usable or unusable cooking oil/or grease.
- g) **Refuse:** includes all substances and materials which are an attractant to bears.
- h) **Wildlife:** includes any animal which is wild by nature and not normally domesticated in Ontario.

3. PROHIBITION OF FEEDING AND ATTRACTING BEARS:

- a) No person shall deliberately feed a bear by knowingly or willingly storing or in any manner providing access to food, to any bear.
- b) No person shall intentionally place or store an attractant outdoors for the purpose of attracting and/or feeding bears. No person shall recklessly place or store an attractant outdoors which a reasonable person would know would attract a bear.
- c) No person shall keep a grease barrel except in a bear resistant container or enclosure.
- d) Owners of a bear resistant container or enclosure shall keep it closed, clean and secure when waste is not being deposited and if the container becomes damaged, shall repair it in a timely fashion.
- e) The prohibitions set out in subsections (a) and (b) above do not apply to any “bear baiting” activities which are undertaken in advance of bear hunting seasons applicable within the Township and as may be permitted by and/or regulated under the *Fish and Wildlife Conservation Act*, 1997 as amended and any regulations thereto and/or under policies issued by the Ministry of Natural Resources.

4. AUTHORITY MUNICIPAL BY-LAW ENFORCEMENT OFFICERS:

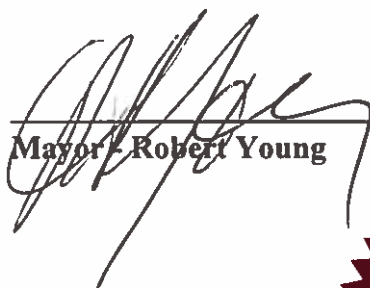
- a) The enforcement of this By-law shall be assigned to those employees or contract workers that have been designated by Council as By-law Enforcement Officers.
- b) Any person charged with the responsibility for enforcing this By-law, upon having probable cause, may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with this By-law, a direction or order issued under this By-law, a condition of a license issued under this By-law or an Order made under section 431 of the Municipal Act and during such inspection the person or persons shall have the powers listed under section 436(2). Such power of entry is subject to the restriction on entry into dwellings set out in section 437 of the Act and the conditions set out in section 435 of the Act.

5. PENALTY:

- a) Every person who contravenes any provision of this By-law is guilty of an offence and shall upon conviction thereof forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000.00) exclusive of costs and every such fine is recoverable under the *Provincial Offences Act* R.S.O. 1990, cP33, s.61 as amended.

6. This By-law shall come into full force and take effect on the final passage thereof.

READ a FIRST, SECOND, THIRD time and finally passed this 15th day of July, 2014.



Mayor - Robert Young



Deputy Clerk - Samantha Woods

