

THE CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 6-2012

A by-law to prohibit the feeding of wild animals and certain birds within the limits of the town

(consolidated with by-law N° 19-2024)

WHEREAS subsection 11 (3) (9) of the *Municipal Act, 2001* grants municipalities the power to regulate on animals;

AND WHEREAS subsection 11 (2) (6) of the *Municipal Act, 2001* authorizes by-laws to be adopted for the safety and well-being of persons and subsection 11 (2) (8) for the protection of property;

AND WHEREAS council deems it expedient to prohibit the feeding of wild animals and certain birds for those specific purposes;

AND WHEREAS Sections 23.2, 23.3 and 23.5 of the *Municipal Act, 2001* provides that a municipality may delegate its administrative and hearing powers; *(added by By-law N° 19-2024)*

AND WHEREAS Section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; *(added by By-law N° 19-2024)*

AND WHEREAS Section 434.1 (1) of the *Municipal Act, 2001*, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed under the *Municipal Act, 2001*. *(added by By-law N° 19-2024)*

NOW THEREFORE Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. DEFINITIONS

“By-law Enforcement Officer” means a peace officer appointed by the municipal council to enforce the present by-law pursuant to section 15 of the *Police Services Act*;

“Domestic animals” means a cat and a dog;

“Feed or Feeding” means the deliberate act of furnishing, or otherwise making available food or any other substances which is likely to be consumed by wild animals

or birds;

“**Pest birds**” means pigeons, doves, seagulls, crows and the like that if gathered in numbers, become a nuisance and may cause damages to properties;

“**Town**” means the geographical territory of the Corporation of the Town of Hawkesbury;

“**Wild animals**” means non-domesticated animals including but not limited to skunks, raccoons, foxes, bears, groundhogs, and deers.

2. No person shall within the limit of the town either on private or on any public property feed, or cause to be fed any wild animals.
3. No person shall deliberately leave garbage, leftovers, compost and any other debris outdoor and unprotected that potentially may attract wild animals and birds.
4. No person shall within the limit of the town either on private or on any public property feed, or cause to be fed pest birds in any way that it attracts such a number as to cause a nuisance to neighboring properties and potential health hazard.

5. **EXEMPTION**

5.1 This by-law shall not apply to birds and wild animals feeding from berries, fruits and other seeds naturally growing in trees or in soil.

5.2 This by-law shall not apply to bird feeders that are built to feed small birds such as cardinals, finches, martins, sparrows and the like.

6. **ENFORCEMENT**

The provisions of the present by-law shall be administered and enforced by the by-law enforcement officers duly appointed by council or a provincial police officer.

No person shall hinder or obstruct or attempt to hinder or obstruct a by-law enforcement officer or provincial police officer while exercising a power, performing a duty under or enforcing this by-law.

7. **PENALTIES**

Any person who contravenes any provision of this By-law shall be liable to pay the Town an Administrative Monetary Penalty, upon issuance of a penalty notice in accordance with the Town of Hawkesbury's Administrative Monetary Penalties System (AMPS) By-law, as may be amended from time to time. (*amended by By-law N° 19-2024*)

8. VALIDITY

If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, the provision shall be deemed conclusively to be severable from this by-law.

No part of this by-law not declared by a court of competent jurisdiction to be invalid shall be affected by the provision severable from this by-law.

9. THAT this by-law shall come into force and effect on the date of its adoption.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 30th DAY OF JANUARY 2012.**

René Berthiaume, Mayor

Christine Groulx, Clerk