

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2023-026

A by-law to amend the Lot Maintenance By-law 201—008, as amended, respecting feeding wildlife

**WHEREAS** Section 11(2)(6) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

**WHEREAS** Section 127 of the *Municipal Act*, provides that a municipality may require the owner or occupant of property to clean and clear the property, not including buildings, or to clear refuse or debris from the property; not including buildings;

**WHEREAS** Lot Maintenance By-law 2017-008, as amended, was approved by Town Council on June 12, 2017;

**WHEREAS** Town Council is desirous of amending Lot Maintenance By-law 2017-008;

**COUNCIL ENACTS AS FOLLOWS:**

1. Section 1 Definitions of Lot Maintenance By-law 2017-008 is hereby amended by adding the following new definitions, in alphabetical order:

**“Attractant”** means any substance which could reasonably be expected to attract wildlife or does attract wildlife, feral or stray domestic animals;

**“Bird Feeding Device”** means any instrument, tool, appliance or thing meant or intended to hold food for songbirds or hummingbirds;

**“Domestic Animal”** means any animal kept by a person as a pet;

**“Feed or Feeding”** means the act of furnishing or making food or other substances available which is likely to be consumed by wildlife, feral or stray domestic animals, but does not include keeping compost in accordance with this By-law or growing fruits and vegetables in gardens, but does include fruit and/or nuts that have fallen from trees;

**“Hummingbird”** means a small nectar-feeding tropical American bird of the family Trochilidae;

**“Songbird”** means a bird belonging to the oscine division in ornithology;

**“Wildlife”** means an animal that belongs to a species that is wild by nature and includes, but is not limited to, coyotes, foxes, deer, wild rabbits, raccoons, opossums, squirrels, skunks and pests, but does not include domestic animals, feral or stray cats, songbirds or hummingbirds;

2. The definition for “Undesirable Material” contained in Section 1 Definitions of Lot Maintenance By-law 2017-008 is hereby amended by adding the following new subsection r):

r) Food scraps, bones or organic waste.

3. By-law 2017-008 is hereby amended by adding the following new section 4.1:

#### **4.1 Feeding Wildlife**

- (1) Despite subsection 2(1) of this By-law, section 4.1 of this By-law applies to any Lot owned by the Town, except for parks as defined in Parks By-law 2013-013, or successor by-laws.
- (2) No person shall:
  - (a) feed, attempt to feed or permit the feeding of wildlife on private property or on any Lot owned by the Town;
  - (b) leave or permit the leaving of food or attractants, of any type or in any form, outdoors on private property or on any Lot owned by the Town in such a manner as to attract or be accessible by wildlife, feral or stray domestic animals;
  - (c) feed any bird other than a songbird or a hummingbird. This subsection does not apply to pigeons kept in accordance with the Town’s Animal Control By-law 2018-006, or successor by-laws;
  - (d) feed a songbird or a hummingbird unless the following feeding requirements are met by the person:
    - (i) food intended for songbirds or hummingbirds is placed in a bird feeding device that is sufficiently above grade so as not to attract or be accessible by wildlife;

- (ii) spillage of food upon the ground is removed by the owner or occupant forthwith and disposed of in a manner that does not attract wildlife, feral or stray domestic animals; and
  - (iii) the bird feeding device is kept in a sanitary condition and in good working order.
- (3) Subsection 4.1(2) does not apply to:
  - (a) the leaving of food as bait by a licensed trapper, authorized wildlife or pest control agency or their employees in the performance of their work;
  - (b) a person authorized by any other legislation to leave food as bait for wildlife;
  - (c) a person leaving food as bait for wildlife where such person is acting on behalf of or under the direction of the Oakville & Milton Humane Society;
  - (d) the leaving of food for the purpose of providing life sustaining resources or as bait in a trap 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;
  - (e) a person feeding wildlife as part of a research program undertaken by a university, college, government research body or wildlife research institution; or
  - (f) a person fishing in accordance with a valid provincial licence.

4. All other provisions of Lot Maintenance By-law 2017-008 hereby remain in force and effect.

PASSED this 24th day of April, 2023.

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MAYOR

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CLERK