



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 044-2012

A BY-LAW TO PROHIBIT THE FEEDING OF WATERFOWL, PIGEONS AND WILD ANIMALS ON MUNICIPAL LANDS IN THE TOWN OF COBOURG

WHEREAS Section 128 (1) the *Municipal Act, 2001*, S.O. 25 as amended, provides that a local municipality may the council of 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 Council is desirous to set rules in place to prohibit the feeding of waterfowl, pigeons and wild animals to prevent public nuisances and to protect the species;

AND WHEREAS Council deems it necessary to prevent public nuisances including waterfowl, pigeons and wild animals who may spoil, roost, travel through or dwell on municipal property, municipal roadways, recreational areas, open spaces and parklands due to persons who feed or attract the birds or wild animals to their property private property but fail to limit or control them from neighbouring properties, and through regulation and prohibition Council wished to promote the use and enjoyment of property in a healthy and sanitary manner;

AND WHEREAS although people have always enjoyed feeding geese, ducks, seagulls or swans at beaches and parks it is important to understand that feeding them is detrimental to the birds and their environment in many significant ways including a cause of malnutrition, dependency, disease, water pollution and environmental degradation;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1.0 DEFINITIONS AND INTERPRETATION

1.1 In this By-law:

“Authorized sign” shall mean any sign, notice, or other device placed or erected in or upon a park, under the authority of this By-Law;

“Council” shall mean the Council of The Corporation of the Town of Cobourg;

“Director” shall mean the Director of Public Works or designate;

“Feed or Feeding” shall mean 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; and shall include the regular or intermittent supply of food, or allowing the placing or maintenance of a supply of food on a regular or intermittent basis, which is accessible to or accessed by waterfowl, seagulls or pigeons;

“Municipality” shall mean The Corporation of the Town of Cobourg;

“Municipal Lands” shall mean all lands and property owned by the Town of Cobourg including, but not limited to parks, open spaces, boulevards, road allowances, sidewalks, industrial lands;

“Police Officer” shall mean the same as defined in the *Police Services Act* R.S.O. 1990 c. P.15;

“Post” or **“posted”** shall refer to the erection or presence of authorized signs that regulate, restrict, or prohibit activities in a designated area and

“Posted Area” shall mean an area where such signs are erected or displayed;

“Recreational Area” shall mean any land, structure and/or building within the municipal limits of the Town of Cobourg that is owned or controlled by the Municipality and is used or designed to be used for athletic, social, leisure or cultural activities save and except the building known as “Victoria Hall” located at 55 King Street West in the Town of Cobourg;

“Wild Animal or Wildlife” shall mean living in a state of nature; not tamed or domesticated: *a wild animal; wild geese.*

Other By-laws in Effect

1.2 The Municipality has enacted various by-laws, as amended from time to time that may be referenced in conjunction with this by-law as they may have an impact on the use, activities or conduct on municipal lands.

2.0 GENERAL

2.1 This By-law shall apply to all Municipal Lands within the Town of Cobourg.

3.0 FEEDING OF WATERFOWL, PIGEONS OR WILD ANIMALS

3.1 No person shall intentionally feed a wild animal or leave food or attractants of any type or in any form out-of-doors in such a manner as to attract, or be accessible by a wild animal on any municipal lands.

4.0 SIGNAGE

4.1 The Director or designate are authorized to post signage of permission, regulation, restriction, warning or prohibition with respect to use of or activities on any municipal lands in accordance with the provisions of this by-law.

5.0 **ADMINISTRATION**

5.1 Any Police Officer, Provincial Offences Officer, Municipal By-law Enforcement Officer or employee of the Municipality designated by Council to administer this By-Law:

- (a) is authorized to inform any person of the provisions of this By-Law and to request compliance therewith;
- (b) Is authorized to order any person believed by such officer or employee to be contravening or who has contravened any provision of this By-Law:
 - (i) To desist from the activity constituting or contributing to such contravention.
- (c) May issue any fines as provided for in the by-law under the *Provincial Offences Act*.

6.0 **PENALTY**

Any person who contravenes any portion of this By-law is guilty of an offence and upon conviction is liable to such fines and other penalties as provided for under the *Provincial Offences Act*, R.S.O. 1990, c.P-33 as amended.


7.0 **SEVERABILITY**

If any section, clause or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the Town that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

8.0 **EFFECTIVE DATE**

This By-law shall come into force and effect on the date it is enacted by Council which shall come into force and effect upon final passing thereof.

READ a first, second time and finally passed in Open Council this 11th day of June 2012.


MAYOR


MUNICIPAL CLERK