

# THE CORPORATION OF THE TOWNSHIP OF ESSA

## BY-LAW 2026 -19

### Being a By-law to prohibit the feeding of wildlife within the Township of Essa.

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;

Whereas Section 11(3) of the Municipal Act, 2001, S.O. 2001, c.25, assigns the sphere of jurisdiction of "animals" to lower-tier municipalities;

Whereas Section 128 of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate with respect to public nuisances; and

Whereas the Council of The Corporation of the Township of Essa deems the feeding of wild animals to cause a threat to public health, safety and welfare to the inhabitants within its boundaries.

Whereas the Council of The Corporation of the Township of Essa deems the feeding of wildlife a public nuisance and it's desirable to pass a by-law relating to the regulation of feeding of wild animals within the boundaries.

Now Therefore Council of the Corporation of the Township of Essa hereby enacts as follows:

#### 1. Definitions

- a) "animal" means any member of the animal kingdom, other than a human
- b) "attractant" means any substance which could be reasonably expected to attract a wild animal or animals or does attract wild animals, strays, feral or abandoned animals
- c) "Clerk" means the Clerk of the Corporation of the Township of Essa.
- d) "domestic animal" means an animal which would customarily share human habitat and which would normally be considered dependent on humans for food; and shelter. Shall not include an animal considered to be wild or indigenous to a species which would normally be considered to be wild.
- e) "feed or feeding" means 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.

- f) "feral animal" means any animal that is undomesticated, that in general, receives little human contact or care and lives outdoors or unconfined.
- g) "feral animal colony" means a group of feral animals that congregate, more or less, together as a unit and share a common food source.
- h) "Municipal Law Enforcement Officer" means a person appointed under the authority of the Police Services Act for the purpose of enforcing by-laws.
- i) "officer" means a Municipal Law Enforcement Officer or a Police Officer.
- j) "private property" shall include all property other than public property.
- k) "public property" shall include any property belonging to the Township of Essa, the County of Simcoe, the Province of Ontario, the Dominion of Canada, any School Board and any other public entity.
- l) "wild animal" means all mammals wild by nature or domesticated animals that have become feral, as distinguished from the common domestic animal. A wild animal is one that can survive in its natural environment without the help of people. Some examples include, but are not exclusive to: deer, birds, bears, squirrels, coyotes, skunks, foxes, raccoons, and the like.

## **2. General Provisions**

- 2.1 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 private or public property.
- 2.2 No person shall place or allow any device 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.
- 2.3 Every person shall immediately remove any food, attractant, device or other material placed out of doors in such a manner as to attract, or be accessible by a wild animal on private or public property.
- 2.4 No person shall intentionally feed, or cause to be fed, nuisance birds such as seagulls or pigeons.
- 2.5 Section 2.1 does not apply to the feeding of song birds on private property, provided the following feeding requirements are met by the owner or occupier:
  - a) Seed is placed in a bird feeding device that is sufficiently above grade so as not to attract or be accessible by wild animals; and
  - b) Spillage of seed upon the ground is removed by the property owner or occupier forthwith and disposed of in a manner that does not attract wild animals, feral or stray domestic animals.

2.6 Section 2.1 does not apply in the following situations:

- a) The leaving of food as bait in a trap by a property owner to capture a nuisance animal inhabiting or habituating their property pursuant to the Fish and Wildlife Conservation Act, 1997, S.O.1997, c. 41.
- b) The leaving of food as bait by a licensed trapper, and employee of a licensed wildlife agency or pest control agency, a Municipal Law Enforcement Officer, an Ontario Society for the Prevention of Cruelty to Animals Agent or a Police Officer, in the performance of their work.
- c) The leaving of food as bait 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.
- d) Any land in an agricultural zone being actively used for cropland or the raising or livestock.

### **3. Exemptions**

3.1 The Clerk of the Corporation of the Township of Essa may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

### **4. Enforcement**

4.1 A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.

4.2 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

### **5. Severability**

5.1 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.

### **6. Penalties**

6.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Municipal Act, 2001, S.O. 2001 c. 25, as amended and/or the Provincial Offences Act, R.S.O. 1990, c.P.33.

### **7. Short Title**

7.1 This By-law may be cited as the "Feeding of Wildlife By-law".


**8. Effective Date**

That this By-Law shall come into force and take effect immediately upon the approval of Township Council.

**By-law Number 2026-19 read a first, second and third time and finally passed this 6<sup>th</sup> day of May, 2026.**

A handwritten signature in black ink, appearing to read "Sandie Macdonald", written over a horizontal line. In the background, there is a faint circular stamp with the text "TOWNSHIP OF" and "MAYOR" visible.

Sandie Macdonald  
Mayor

A handwritten signature in black ink, appearing to read "Krista Pascoe", written over a horizontal line.

Krista Pascoe, Clerk/Manager of  
Legislative Services