

MUNICIPALITY OF MCDOUGALL
BY-LAW # 2011- 35

A By-Law to prohibit the feeding of bears (*Ursus
americansus*) within the geographic boundaries of the
Municipality of McDougall.

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25 gives the municipality the following authorities under Part II;

- i) Subsection 10(2)6 to pass by-laws respecting the health, safety and well being of persons.
- ii) Subsection 10(2)9 to pass by-laws respecting animals.

WHEREAS, the Municipality contains a substantial population of bears, some of which wander in areas of human habitation; and

WHEREAS, bears can become both a nuisance and hazard to the safety of human 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 of the Municipality of McDougall

NOW THEREFORE THE Council of the Corporation of the Municipality of McDougall enact as follows:

1. **SHORT TITLE**

This by-law shall be known as the Prohibition of Feeding Bears By-Law.

2. **SCOPE**

This by-law shall apply to all the land in the geographic limits of the Municipality of McDougall

3. **DEFINITIONS:**

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

- i) **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.
- ii) **Bear:** a black bear (*Ursus americanus*).
- iii) **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.
- iv) **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.
- v) **Feed:** to give place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting or enticing bears or other wildlife but does not include baiting during legal bear hunting activities.
- vi) **Grease Barrel:** any container used to store usable or unusable cooking oil/or grease.
- vii) **Refuse:** includes all substances and materials which are an attractant to bears.

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viii) **Wildlife:** includes any animal which is wild by nature and not normally domesticated in Ontario.

4. **PROHIBITION OF FEEDING AND ATTRACTING BEARS:**

- i) No person shall feed a bear by knowingly or willingly store or in any manner provide access to food, to any bear. (The exception to this is when done as baiting during legal bear hunting activities.)
- ii) 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. (The exception to this is when done as baiting during legal bear hunting activities.).

No person shall keep a grease barrel except in a bear resistant container or enclosure.

- iii) 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.

5. **AUTHORITY; MUNICIPAL BY-LAW ENFORCEMENT OFFICERS.**

- i) 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.

6. **PENALTY**

- i) 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.

7. This By-Law shall come into force and take effect on the final passage hereof.

Read a First and Second Time as amended, this 4th day of January, 2012.




Mayor

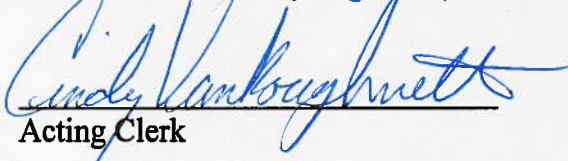


Acting Clerk

Read a Third time, Passed, Signed and Sealed this 4th day of January, 2012.



Mayor



Acting Clerk