

# **The Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde**

## **By-Law No. 2023-44**

**Being a By-Law to regulate and control Feeding of Deer under the Jurisdiction of the Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde.**

**WHEREAS** Section 8.1 of the Municipal Act, 2001, S.O.2001 c. 25, as amended, provides the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 11(3) of the Municipal Act, 2001, S.O.2001 c. 25, as amended, provides authority for lower tier municipalities to pass by-laws to regulate animals;

**AND WHEREAS** Section 128(1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended, provides that 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** Section 425(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that by-laws may be passed by a municipality to provide that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence;

**AND WHEREAS** Section 429(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the Municipal Act, 2001;

**AND WHEREAS** Section 434.1 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto enables the councils of local municipalities to establish a system of administrative penalties and whereas Section 434.2 establishes an administrative penalty constitutes a debt of the person which may be added to the tax roll;

**AND WHEREAS** Section 436 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that a municipality has the power to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with: a By-law of the municipality passed under the Act, a direction or order for the municipality made under this Act or made under a By-law of the municipality passed under this Act and a condition of a license issued under a By-law of the municipality passed under this Act;

**NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF DYSART ET AL HEREBY ENACTS AS FOLLOWS:**

**1.0 Short Title**

This By-Law may be referred to as "Deer Feeding By-Law".

**2.0 Definitions**

2.1 **Attractant** – means any substance which could be reasonably expected to attract deer.

2.2 **Council** – means the Council of the Municipality of Dysart et al.

2.3 **Deer** – a hoofed grazing or browsing animal, with bony antlers that are shed annually and typically borne only by the male.

- 2.4 **Feed** – means a substance composed of grains, minerals (including salt and salt blocks), fruits, vegetable, hay or other food materials that may attract deer.
- 2.5 **Natural Food** – means food or other substances consumed by deer, produced by or existing in nature, not artificial.
- 2.6 **Officer** – means a Municipal Law Enforcement Officer or a Police Officer.
- 2.7 **Private Property** – shall include all property other than public property.
- 2.8 **Public Property** – shall include any property belonging to the Municipality of Dysart et al, County of Haliburton.

### **3.0 General Provisions**

- 3.1 No person shall intentionally feed deer between the months of May 1<sup>st</sup> to September 30<sup>th</sup>.
- 3.2 No person shall 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 deer on private or public property, between the months of May 1<sup>st</sup> to September 30<sup>th</sup>.
- 3.3 No person shall place or allow any device or material to be placed out of doors in such a manner as to attract or be accessible by deer on private or public property, between the months of May 1<sup>st</sup> to September 30<sup>th</sup>.
- 3.4 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 deer on private or public property, between the months of May 1<sup>st</sup> to September 30<sup>th</sup>.
- 3.5 Sections 3.1 to 3.3 only apply to the Service Area shown in Schedule B of this By-Law.

### **4.0 Exemptions**

- 4.1 Any property which has a garden used to grow vegetables for personal consumption.
- 4.2 Any property with trees that bear fruits. Some examples include, but are not exclusive to apple trees, pear trees, apricot trees, plum trees.
- 4.3 Any land that is permitted to be used for cropland or the raising of deer.
- 4.4 Any natural product that is growing on private or public property that may attract deer.
- 4.5 Does not apply to feeding of birds providing seed is placed in a bird feeding device.
- 4.6 Placement of bait for the purposes of hunting White Tailed Deer is permitted from October 1<sup>st</sup> to December 15<sup>th</sup>, this is to coincide with the Fish and Wildlife Conservation Act.

### **5.0 Enforcement**

- 5.1 Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual shall enforce the provisions of this By-Law.
- 5.2 No person shall obstruct, hinder or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Ontario Provincial Police Officer, Ministry of Natural Resources & Forestry, or other duly appointed

individual in the lawful carrying out of their duties and responsibilities under the provisions of this By-Law.

## **6.0 Severability**

6.1 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.

## **7.0 Penalties**

7.1 Every person who contravenes any of the provisions of the 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.

## **8.0 ADMINISTRATIVE PENALTIES**

8.1 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to that person.

8.2 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Section 8.3, be liable to pay to the Municipality an administrative penalty in the amount of \$100.00 dollars.

8.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:

- a) Particulars of the contravention, including to which property it applies.
- b) The amount of the administrative penalty; and
- c) A statement advising that an administrative penalty will constitute a debt to the Municipality.

8.4 A person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.

8.5 An administrative penalty that is deemed to be confirmed constitutes a debt to the Municipality and may be added to the tax roll of the owner's property.

## **9.0 Implementation**

9.1 This By-law shall come into full force and effect after adoption.

**READ** a first, second and third time, passed, signed and the Corporate Seal attached hereto, this 25 day of July, 2023.

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MAYOR: Murray Fearrey

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DEPUTY CLERK/CAO: Tamara Wilbee

**THE CORPORATION OF THE UNITED TOWNSHIPS OF DYSART, DUDLEY,  
HARCOURT, GUILFORD, HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

**Schedule 'A' To By-Law 2023-44: Deer Feeding By-Law**

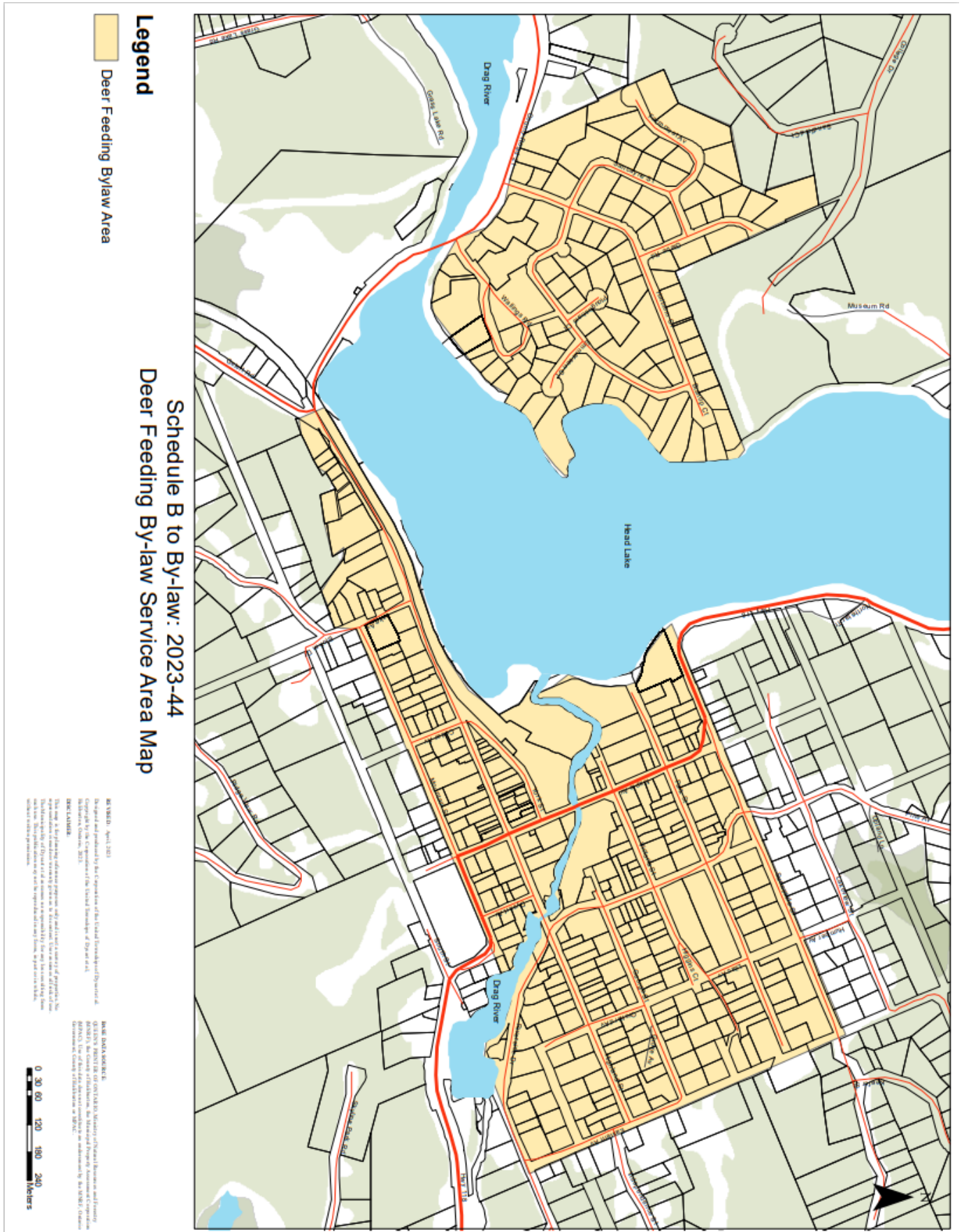
**PART 1 Provincial Offences Act**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
<b>1.</b>	Intentionally feed deer	Section 3.1	\$150.00
<b>2.</b>	Place or allow any device or material to attract or be accessible to deer on private or public property.	Section 3.3	\$150.00
<b>3.</b>	Fail to remove any food, attractant, device or other material.	Section 3.4	\$150.00
<b>4.</b>	Hinder or obstruct any person exercising lawful power or duty under this By-Law.	Section 5.2	\$150.00

NOTE: The penalty provision for the offences indicated above is section 7.1 of the By-law No. 2023-44, a certified copy of which has been filed.

**THE CORPORATION OF THE UNITED TOWNSHIPS OF DYSART, DUDLEY,  
HARCOURT, GUILFORD, HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

**Schedule 'B' To By-Law 2023-44: Deer Feeding By-Law**



**Legend**  
Deer Feeding Bylaw Area

**Schedule B to By-law: 2023-44  
Deer Feeding By-law Service Area Map**

**DATE:** April 2023  
Designed and produced by the Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde.  
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Revised: October 2023.

**DISCLAIMER:**  
This map is a preliminary plan and does not constitute a contract or a warranty. The Corporation of the United Townships of Dysart et al. assumes no responsibility for any loss or damage, including consequential or special damages, arising from the use of this map or any information derived therefrom.

**SCALE:**  
0 30 60 120 180 240  
Meters