

Bill No. 588
2018

By-law No. PH-18-18_____

A by-law to amend By-law PH-18 entitled, “A by-law to prohibit and regulate public nuisances within the City of London.” to prohibit nuisance feeding of wildlife.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c. 25 (“*Municipal Act, 2001*”), provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality; 6. Health, safety and well-being of persons; 8. Protection of persons and property; and 9. Animals;

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10, a 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 the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS, in the opinion of Council, nuisance feeding of wildlife is or could become or cause a public nuisance;

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person’s expense;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law PH-18 is amended by deleting the sixth recital and replacing it with the following:

“AND WHEREAS, in the opinion of Council, nuisance parties, public urination and defecation, knocking over objects on the Highway, unnecessary interference with use and enjoyment of public places, and nuisance feeding of wildlife are or could become or cause public nuisances;”

2. Section 1 of by-law PH-18 is amended by inserting the following definitions:

“**feed**” and “**feeding**” includes the regular or intermittent supply of food;

“**food**” means anything that can be consumed by an animal for sustenance, but does not include:

- (a) composting materials kept in accordance with all applicable laws, regulations and by-laws;
- (b) landscaping materials or plants, trees or shrubs (including shrubs, berries on shrubs, trees, herbs, vegetables on vegetable plants, fruit on trees);

3. Section 1 of by-law PH-18 is amended by inserting the following definition:

“**Nuisance Feeding of Wildlife**” means feeding or permitting the feeding of wildlife, or leaving food that is accessible by wildlife, which results in one or more

of the following occurring so as to constitute a public nuisance whether occurring on public or private property:

- (a) excessive accumulation of food, including bird seed and seed casings;
- (b) excessive accumulation of wildlife feces;
- (c) unreasonable interference with the normal use and enjoyment of nearby premises;
- (d) excessive attraction of rodents (including mice or rats) or predatory wildlife (including coyotes) to the premises;

4. Section 1 of by-law PH-18 is amended by inserting the following definition after the definition of "Premises":

"wildlife" means an animal that belongs to a species that is wild by nature.

5. By-law PH-18 is amended by inserting the following new Section 4.2 as follows:

4.2 NUISANCE FEEDING OF WILDLIFE

(1) No person shall engage in or permit Nuisance Feeding of Wildlife.

(2) Subsection (1) shall not apply to:

- (a) land zoned for agricultural uses;
- (b) a person leaving food for a an ear-tipped cap or a feral cat colony for the purposes of a trap, neuter or spay and release program approved by the City; and
- (c) a person leaving food as bait in a trap to capture wildlife if they have the legal authority to do so.

(3) Every person who engages in or permits Nuisance Feeding of Wildlife shall immediately remove such food when directed to do so by the City, and if the person fails to do so, the City may enter upon the Premises at any reasonable time to remove the food at the person's expense. The City may recover the costs (plus interest) of removing the food from the person required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. The amount of costs including interest constitutes a lien on the land upon the registration in the proper land registry office of the notice of lien.

6. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on October 16, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – October 16, 2018
Second Reading – October 16, 2018
Third Reading – October 16, 2018