

## **FEEDING OF WILD BIRDS AND ANIMALS BY-LAW NO. 2022-02**

### **A Bylaw To Regulate and Control the Feeding of Wild Birds and Animals Within The Town of Digby.**

**WHEREAS** under Section 172 (1) (a) of the Municipal Government Act (1998), Council may make by-laws, for municipal purposes, respecting the health, wellbeing, safety and protection of persons;

**AND WHEREAS** under Section 174 (f) of the Municipal Government Act (1998), Council may make by-laws respecting wild and domestic animals and activities in relation to them.

**NOW THEREFORE**, the Council of the Municipality of the Town of Digby in open meeting assembled, enacts as follows:

#### **1 TITLE**

This Bylaw is entitled the "Feeding of Wild Birds and Animals Bylaw".

#### **2 Definitions:**

In this By-Law:

- 1) "Public place" means
  - a) Streets,
  - b) Public parks and trails,
  - c) Property owned by the Town, and
  - d) Recreation facilities funded or partially funded by the Town;
- 2) "Wild animal" means any bird or animal which is not domesticated.
- 3) "Song bird" means any bird belonging to the oscine division in ornithology; but does not include crows, pigeons or seagulls.
- 4) "Domestic animal" means any animal commonly kept as a pet in family households, including, but not limited to dogs, cats, guinea pigs, rabbits and hamsters; and any animals commonly kept for companion or commercial purposes.

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- 5) “Stray Domestic Animal” means any domestic animal that is at large on property that is not owned by the property owner or tenant.

### **3 Purpose**

The purpose of this bylaw is to regulate and control the feeding of Wild Birds and animals within the Town of Digby. Many municipalities currently restrict the feeding of wildlife, because it can be harmful to wildlife as well as humans and their pets. Feeding of wildlife can also cause various issues such as:

- Animals becoming dependent on people feeding them
- Animals losing their natural behaviour and fear of both humans and their pets, which increases the likelihood of human-wildlife and pet-wildlife conflict
- Animals congregating in large numbers where they are being fed, which increases the likelihood of diseases and parasites being prevalent, resulting them being a nuisance to the area
- Attracting of unwanted animals

### **4 Exemptions**

The following circumstances are to be exempt and allow the following:

- Feeding of song birds and bird feeders on private property, where the property owner has given permission to do so and in accordance with this by-law.
- Leaving food as bait to trap a nuisance animal
- Feeding of a managed colony of stray or feral cats
- Feeding as part of a research program undertaken by a university, college or similarly provincially or federally recognized research institution

### **5 Prohibitions**

In the Town of Digby, except in accordance with this by-law:

- No person shall feed any wildlife or wild animal on property or public property,
- No person shall place any food, pet food or feeding device on any property in a manner that attracts wildlife or a wild animal.
- No owner or occupier of land shall place or allow any feeding device or other material to be placed outdoors or on any public or private property for the purpose of attracting or feeding wildlife or a wild animal.

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- No person shall feed any bird other than a song bird.
- No person shall feed a song bird unless the following feeding requirements are met by the person:
  - (a) The person has the permission of the owner or occupant of the property where the feeding takes place; and
  - (b) The food or pet food intended for the song bird is placed in a bird feeding device that is sufficiently above grade as to not attract or be accessible by wildlife or wild animals; and
  - (c) Bird feeding practices do not attract large flocks of homing birds such as wild, feral or domestic pigeons; and
  - (d) Spillage of food or pet food upon the ground is removed by the person or property owner or occupier forthwith and disposed of in such a manner that it does not attract wildlife, wild animals, feral or stray domestic animals; and
  - (e) The process of feeding does not interfere with the normal use or enjoyment of any other property.
- No Person shall feed one or more wild animals in any place in such a manner or to such an extent that doing so causes or may cause an unreasonable interference with another person's use and enjoyment of their property, or of a public place.

### **6 Pest Prevention**

Every property shall be kept free of rodents, vermin, insects and other pests.

- No owner or occupier of property shall permit or allow offensive odours that have as their source compost, pet food or food to be emitted or escape from the property and which odour attracts or could attract wildlife, wild animals, rodents, vermin, insects or other pests to the property

### **7 Offence and Penalties**

Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than \$50.00 and not more than \$1,000.00 and to imprisonment of not more than 30 days in default of payment thereof.

### **8 Obstruction**

No Person shall obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this Bylaw.

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**9 General**

Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other Town Bylaw, or any requirement of any lawful permit, order or license.

**10 Severability**

Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

**Clerk's Annotation for Official By-Law Book**

**Date of first reading: August 2, 2022**

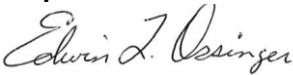
**Date of advertisement of Notice of Intent to Consider: August 17, 2022**

**Date of second reading: September 6, 2022**

**\*Date of advertisement of Passage of By-Law: September 14, 2022**

**Date of mailing to Minister a certified copy of By-Law: September 14, 2022**

**I certify that this TOWN OF DIGBY Feeding of Wild Birds and Animals By-law was adopted by Council and published as indicated above.**

**CAO**   
**E. Thomas Ossinger**

**Date** **September 7, 2022**

**\* Effective Date of the By-Law unless otherwise specified in the text of the By-Law**