

Town of Portugal Cove-St. Philip's

Feeding Wildlife Regulations, 2018

Pursuant to and by virtue of the powers conferred by Section 414(2)(ee) of the Municipalities Act, 1999, SNL 1999, c. M-24 as amended, the Town Council of the Town of Portugal Cove-St. Philip's enacts the following Feeding Wildlife Regulations.

1. TITLE

These Regulations shall be known and cited as "The Town of Portugal Cove - St. Philip's Feeding Wildlife Regulations, 2018."

2. PURPOSE

These Regulations are enacted to facilitate the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons; the protection of persons and property; and animals. Town Council deems the uncontrolled feeding of wild animals to be a nuisance to the inhabitants of the Town of Portugal Cove-St. Philip's, a threat to public health and safety, and a detriment to wildlife as it leads to an unnatural dependence on human handouts.

3. INTERPRETATION

In these Regulations, the following words, unless the context otherwise requires, shall have the following meanings:

3.1 "**Act**" shall mean the *Municipalities Act, 1999*, SNL 1999, c. M-24, as amended.

3.2 "**Animal**" shall mean any member of the animal kingdom, other than a human.

3.3 "**Attractant**" shall mean any substance which could be reasonably expected to attract wildlife or animals or does attract wildlife, strays, feral or abandoned animals.

3.4 "**Council**" shall mean the Town Council of Portugal Cove - St. Philips.

3.5 "**Feed**" shall mean, in all its forms, the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by wildlife, strays, feral or abandoned animals.

3.6 **"Feral Animal"** shall mean any animal that is undomesticated, that in general, that receives little human contact or care and lives outdoors and unconfined.

3.7 **"Impound"** shall mean to confiscate, confine, hold or take possession.

3.8 **"Municipal Enforcement Officer"** shall mean a person appointed as a Municipal Enforcement Officer under section 179 (1) of Municipalities Act, M-24, RSN 1999.

3.9 **"Persons"** shall mean any persons, firm, partnership, association, corporation, or any organization of any kind.

3.10 **"Private Property"** shall mean any and all property other than public property.

3.11 **"Public Property"** shall mean any property belonging to the Town of Portugal Cove-St. Philip's, the province of Newfoundland and Labrador, the Dominion of Canada, any school board and any other public entity.

3.12 **"Town"** shall mean the Town of Portugal Cove-St. Philip's.

3.13 **"Wildlife"** shall mean all mammals wild by nature or domesticated animals that have become feral, as distinguished from the common domestic animal. Wildlife shall be considered to be any animal that can survive in its natural environment without help of people. Wildlife may include, but are not limited to: bears, squirrels, coyotes, wolves, foxes, moose, rats, mink, etc.

4. GENERAL PROHIBITION

4.1 No person shall intentionally feed wildlife or leave food or attractants in any form out of doors in such a manner as to attract, or be accessible by wildlife on private property.

4.2 No person shall place or allow any device or other material to be placed out of doors in such a manner as to intentionally or unintentionally attract, or be accessible by wild animals on private property.

4.3 No person shall intentionally feed, or cause to be fed, nuisance birds such as seagulls, near establishments serving food.

4.4 All persons shall immediately remove any food, attractant, device or other material placed out of doors in such a manner as to intentionally or unintentionally attract, or be accessible by wild animals on private property.

5. EXEMPTIONS

5.1 Council may grant an exemption to any provision of this regulation 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 regulation.

5.2 Despite section 4.2, the prohibition does not apply to the feeding of song birds on a private property provided the seed is placed in a bird feeding device fitted with a tray to catch any spillage before reaching the ground. The device shall be sufficiently above grade so as not to attract or be accessible by wildlife; and that if spillage of seed should reach the ground it is removed by the property owner immediately and disposed of in a manner so as not to attract wildlife, or stray animals. There is a limit of one device per private property.

6. CONTRAVENTION OF REGULATIONS

6.1 Any person who neglects or fails to comply with or acts in contravention to these Regulations may be issued an order of nuisance as provided for in Section 404(1)(j) of the Act.

6.2 Any person who neglects or fails to comply with or acts in contravention to these Regulations may be found guilty of an offense and shall be liable on summary conviction to a penalty as provided for in Section 420 of the Act.


7. REPEALS

All previous Town of Portugal Cove-St. Philip's Feeding Wildlife Regulations are repealed by these Regulations.


8. EFFECTIVE DATE

These Regulations have been adopted and came into effect on the 21st day of August, 2018 through resolution of Council #2018-284.

In witness whereof the Seal of the Town of Portugal Cove-St. Philip's has been affixed hereto and these Regulations have been signed by the Mayor and the Town Manager on behalf of Council on this the 5th day of September, 2018.



Carol McDonald
Mayor



Chris Milley
Town Manager

