

THE RURAL MUNICIPALITY OF VICTORIA BEACH

BY-LAW NO. 1486

A By-Law of the Rural Municipality of Victoria Beach to regulate the feeding of wildlife and the storage of food, feed and refuse in the Municipality.

WHEREAS Subsection 232(1) of The Municipal Act provides, in part, as follows:

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centers, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- (c) subject to section 233, activities or things in or on private property;
- (o) the enforcement of by-laws;

AND WHEREAS Subsection 236(1) of The Municipal Act provides, in part, as follows:

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions

- (d) remedying contraventions of by-laws, including
 - (i) creating offences,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law,

AND WHEREAS there have been numerous incidences of bear/human encounters and garbage proliferation, due in large part, to the inadequate storage of food, feed and refuse and the feeding of wildlife and these incidences are escalating;

AND WHEREAS the Council of the Rural Municipality of Victoria Beach deems it necessary to pass a by-law to regulate the storage of food, feed and refuse and the feeding of wildlife;

NOW THEREFORE the Council of the Rural Municipality of Victoria Beach, in council duly assembled, enacts as follows:

- (1) THAT the placement of any type of wildlife feeder, including bird feeders (seed, suet and hummingbird), on private and/or public property within the Municipality shall be prohibited;
- (2) THAT the feeding of wildlife on private and/or public property within the Municipality shall be prohibited;

- (3) THAT food, feed, refuse or any other items that may attract wildlife on private and/or public property within the Municipality shall be stored in a container and/or location that is secure and inaccessible to wildlife;
- (4) THAT refrigerators, freezers and other similar apparatuses used for the storage of food shall be placed in a secure location inaccessible to wildlife. The placement of refrigerators, freezers and other similar apparatuses on open decks, porches, landings, verandahs, screened rooms and any other unsecured location shall be prohibited;
- (5) THAT notwithstanding Clauses (1) and (2) above, the feeding of birds and placement of bird feeders on private and/or public property within the Municipality shall be permitted between November 1st and March 31st in each year;
- (6) THAT any person guilty of a breach of any of the provisions of this By-law shall, upon summary conviction, be liable to a fine not exceeding One Thousand Dollars (\$1,000.00) and the costs of prosecution or in default of payment to imprisonment for a period not exceeding thirty (30) days and the provisions of The Manitoba Summary Convictions Act shall apply to any prosecution hereunder. Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.

DONE AND PASSED in Council assembled, in the City of Winnipeg, in the Province of Manitoba, this 12th day of May, A.D. 2006.

Original Signed By

"W. McDonald"
Reeve

"R. Moreau"
CAO

Read a first time this 21st day of March A.D. 2006.

Read a second time this 12th day of May A. D. 2006.

Read a third time this 12th day of May A.D. 2006.

By-Law No. 1486 amended (Clause 5 added) on 2nd reading.