



THE RURAL MUNICIPALITY OF VICTORIA BEACH

BY-LAW NO. 1586

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 who contravenes or refuses, neglects, omits or fails to obey any provision of this by-law is guilty of an offence and is liable to a minimum fine of Fifty (\$50.00) Dollars and a maximum fine of Five Hundred (\$500.00) Dollars. Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.
- (7) THAT any applicable fines, costs and charges remaining outstanding after the expiration of thirty (30) days from the date of issue of the offence notice shall be added to the owner's property tax account to be collected in the same manner as a tax may be collected under The Municipal Act;
- (8) THAT By-Law 1486 be and the same is hereby repealed.

DONE AND PASSED in Council assembled, in the City of Winnipeg, in the Province of Manitoba, this 17th day of September, A.D. 2019.

Penny McMorris – Reeve

Raymond Moreau – CAO

Read a first time this 8th day of August A.D. 2019.

Read a second time this 17th day of September A. D. 2019.

Read a third time this 17th day of September A.D. 2019.

Clause 7 amended and clause 8 added on second reading.