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# **THE CORPORATION OF THE CITY OF PENTICTON**

## **DEER FEEDING PROHIBITION BYLAW**

### **NO. 2012-5004**

Consolidated for convenience only.

THE CORPORATION OF THE CITY OF PENTICTON

BYLAW NO. 2012-5004

A BYLAW TO PROHIBIT THE FEEDING OF DEER IN THE CITY OF PENTICTON

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WHEREAS the Council of the City of Penticton may, by bylaw, pursuant to the *Community Charter*, regulate, prohibit and impose requirements in relation to animals;

AND WHEREAS The Corporation of the City of Penticton wish to enact a bylaw to prohibit the feeding of Deer within the boundaries of the City of Penticton;

NOW THEREFORE the Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **CITATION:**

1.1 This Bylaw may be cited as the “City of Penticton Deer Feeding Prohibition Bylaw No. 2012-5004.

2. **SEVERABILITY:**

2.1 If any portion of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

3. **DEFINITIONS:**

3.1 In this bylaw:

“Bylaw Officer”	means a Bylaw Officer appointed by the City.
“Bylaw Enforcement Notice Bylaw”	Means the City of Penticton Bylaw Enforcement Notice Bylaw No. 2011-5000, as amended from time to time.
“City”	Means the Corporation of the City of Penticton
“Council”	Means the Municipal Council of the City
“Conservation Officer”	Means a person appointed under the Wildlife Act, R.S.B.C. 1996
“Deer”	Means any member of the family Cervidae
“Manager”	Means the Building and Permitting Manager, or his designate and other persons employed by the City of Penticton including Bylaw Officers and the Director of Development Services for the purpose of enforcing and carrying out this bylaw.
“Municipal Ticketing and Information Bylaw”	Means the City of Penticton Municipal Ticketing and Information Bylaw 2010-64, and as amended from time to time.

4.0 **ADMINISTRATION:**

- 4.1 The Manager is hereby appointed to administer and carry out the provisions of this Bylaw.
- 4.2 Words defining responsibilities and authority shall be construed to be an internal administrative direction and not as creating a duty.

5.0 **PROHIBITION AGAINST FEEDING OF DEER**

- 5.1 No person shall provide Deer with food either directly or by leaving or placing in, on or about land or premises, food, food waste or any other material that is or is likely to be attractive to Deer for the purpose of feeding Deer, other than a conservation officer acting in the performance of his duties, or a person acting under direction of or with the permission of a conservation officer.
- 5.2 For certainty, the prohibition in section 5.1 does not apply in relation to:
  - (a) Farm operations;
  - (b) Fruit or vegetable gardening for human consumption; or
  - (c) Ornamental plants or flowers.

6.0 **ENFORCEMENT AND ENTRY:**

- 6.1 An Bylaw Officer for the City may enter onto any property in accordance with Section 16 of the *Community Charter*, S.B.S. c. 26 to inspect and determine whether this bylaw is being met.
- 6.2 Where an Bylaw Officer believes that, as a result of a breach of this bylaw, a Deer is located on or near the property and has endangered or harmed a person or a domestic animal, or presents an imminent threat to the safety of any person, the Bylaw Officer may take steps to prevent, avert, reduce or mitigate the harm or threat or provide assistance. In doing so, the Bylaw Officer may seek the assistance of a Conservation Officer or a police officer as may be reasonable or necessary in the circumstances.
- 6.3 A person must not obstruct or interfere with a Bylaw Officer who has entered onto property pursuant to section 6.1, or other person assisting the officer.
- 6.4 The Manager may prescribe any form, notice, ticket or other administrative matter required pursuant to this bylaw.

7.0 **OFFENCE AND PENALTY:**

- 7.1 Any person who contravenes or violates any portion of this bylaw, fails or omits to do anything required under this bylaw, or who permits, suffers or allows any act or thing to be done or omitted to be done in contravention of violation of this bylaw, commits an offence; and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.
- 7.2 Upon being convicted of an offence under this bylaw, a person shall be liable to pay a fine of not more than \$10,000.

- 7.3 In addition to any other remedies available at law, this bylaw may be enforced by means of a prosecution under the Offence Act or by a ticket issued under the City of Penticton Municipal Ticketing Information Bylaw 2010-64, as amended or replaced from time to time.

READ A FIRST TIME this 9<sup>th</sup> day of January, 2012.  
READ A SECOND TIME this 9<sup>th</sup> day of January, 2012.  
READ A THIRD TIME this 9<sup>th</sup> day of January, 2012.  
ADOPTED this 23<sup>rd</sup> day of January, 2012.

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Dan Ashton, Mayor

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Karen Burley  
Corporate Officer