

**THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC**

**BY-LAW #117-13**

**Being a By-law to repeal By-law #27-12 and to Adopt a Nuisance Beaver Management Policy for the Township of North Frontenac**

**WHEREAS** Section 11(3) of the *Municipal Act, S.O. 2001*, Chapter 25, as amended, provides a municipality may pass by-laws with respect to matters within certain jurisdictions including highways;

**AND WHEREAS** Section 28 (1) of the *Municipal Act, S.O. 2001*, Chapter 25, as amended, provides a municipality has jurisdiction over all highways over which it had jurisdiction or joint jurisdiction on December 31, 2002; all highways established by by-law of the municipality on or after January 1, 2003;

**AND WHEREAS** Section 28(2) of the *Municipal Act, S.O. 2001*, Chapter 25, as amended, provides a municipality has jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors; and all road allowances, highways, streets and lanes shown on a registered plan of survey;

**AND WHEREAS** Section 44(1) of the *Municipal Act, S.O. 2001*, Chapter 25, as amended provides a municipality that has jurisdiction over a bridge or highway shall keep it in a state of repair that is reasonable of the circumstances;

**NOW THEREFORE** the Council of the Township of North Frontenac does hereby adopt the "Nuisance Beaver Management Policy" attached hereto as Schedule "A";

**AND THAT** all resolutions, by-laws or parts of by-laws, which are contrary to or inconsistent with this by-law, are hereby repealed;

**AND THAT** this by-law shall come into full force and effect from and after its passing.

READ a first and second time this 16<sup>th</sup> day of December, 2013.

READ a third time and passed this 16<sup>th</sup> day of December, 2013.

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MAYOR

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CLERK

## Schedule "A" to By-law #117-13

### **POLICY: NUISANCE BEAVER MANAGEMENT POLICY**

#### **POLICY STATEMENT:**

The Council of the Township of North Frontenac deems it expedient to adopt a policy to deal with nuisance beavers and beaver dam removal.

#### **PROCEDURE:**

1. The Public Works Manager or designate shall identify nuisance beaver problems affecting municipal property or infrastructure, confirm that there are reasonable grounds that municipal property will be or is being damaged and identify the safest and most effective method to address the nuisance problem.
2. If the beaver dam or blockage is located on municipal property, the Public Works Manager or designate will contact a licensed trapper to trap or dispatch the beaver. The trapper shall be licensed by the Ministry of Natural Resources, provide proof of insurance satisfactory to the Township, comply with all legislation, and apply the Trapper's Code of Ethics to ensure public and other animal safety when setting traps.
3. Should the dam or blockage be repeatedly built within a short period of time and a trapper not be available, the Public Works Manager or designate shall authorize selected Township staff, who are qualified and responsible for wildlife control, to dispatch the nuisance beaver under controlled conditions, as clearly defined by the Public Works Manager in a Standard Operating Procedure (SOP), approved by the Chief Administrative Officer (CAO).

Nuisance beavers located on adjacent Crown Land can be dispatched with an agent authorization issued by Ministry of Natural Resources (MNR). A separate SOP for Crown Land shall be prepared by the Manager of Community Development and shall be approved by the CAO.

4. If the beaver dam is located on private property, the landowner will be asked, in writing by the Public Works Manager, to have the dam removed in such a manner as to prevent flooding damage to adjacent property, including municipal property. Alternatively, the landowner's permission must be obtained in writing, by informed consent and said consent shall include a clause stating the landowner understands and agrees the Township cannot be held responsible for damages which may occur when releasing a dam, before the dam is removed using Township resources and/or a trapper is assigned to commence trapping on private lands.
5. If the landowner refuses access to the property or population control of the nuisance beaver, the landowner shall be sent a registered letter informing them that if damage occurs to municipal property or infrastructure as a result of the beaver dam being suddenly breached or washed out, the Township may commence legal proceedings and the landowner could be held liable.
6. A licensed trapper and/or Township employees, authorized by the Public Works Manager and/or the Manager of Community Development, who has met the regulations and satisfied the requirements of this policy, shall be compensated at a rate of \$50.00 per beaver. All invoices for trapped beavers must be submitted to the Township for payment.