

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 17, 2022

Item 7, Report No. 21, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 17, 2022.

7. ANIMAL CONTROL BY-LAW AMENDMENTS

The Committee of the Whole recommends approval of the recommendation contained in the report of the Deputy City Manager, Community Services dated May 3, 2022:

Recommendation

1. That amendments to the Animal Control By-law and the Parks By-law, in accordance with Attachment 1 of this Report, be approved in a form satisfactory to the City Solicitor.

Committee of the Whole (1) Report

DATE: Tuesday, May 03, 2022

WARD(S): ALL

TITLE: ANIMAL CONTROL BY-LAW AMENDMENTS

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

To seek approval for amendments to the Animal Control By-law, to further enhance protection for wildlife and mitigate unnecessary human-wildlife interaction and resultant conflict, and to the Parks By-law, to accommodate the implementation of dog off-leash areas within parks.

Report Highlights

- In accordance with the City's By-law Strategy, staff continue to review by-laws on a cyclical basis; however, as issues, challenges and opportunities arise, staff also bring forward recommended by-law amendments.
- Staff have identified a need to improve the Vaughan Animal Control By-law to enhance provisions relating to the feeding and disturbance of wildlife, unless such action conforms with legislative requirements or City direction, and to add language to the Parks By-law to allow dogs to be off leash in designated areas.

Recommendation

1. That amendments to the Animal Control By-law and the Parks By-law, in accordance with Attachment 1 of this Report, be approved in a form satisfactory to the City Solicitor.

Background

The Animal Control By-law regulates the care, treatment, and control of animals in the City of Vaughan. To ensure Animal Services staff are able to fulfil their mandate and meet public expectations, this report seeks to amend the Animal Control By-law by adding provisions that further clarify and regulate the feeding of wildlife, prohibit unsafe and illegal relocation of wildlife, prevent the disturbing of wildlife habitats or nests, both on private and public property, and prohibit allowing pets to kill, injure, or harass wildlife.

In addition, to accommodate the recent implementation of a number of off-leash areas in City parks, staff are recommending that language in the Parks By-law be amended to allow for dogs to be off leash in designated areas. Currently there is an outright prohibition against having a dog off leash in City parks.

Previous Reports/Authority

- [Item No. 5 of Report No. 17](#) of the April 21, 2020, *New Consolidated Animal Control By-law and Licensing By-law Amendments* (approved by Council on April 21, 2020);
- [Animal Control By-law 066-2020](#) (approved by Council on May 27, 2020);
- [Fish and Wildlife Conservation Act \(FWCA\)](#) (1997).

Analysis and Options

There are three amendments being recommended with this Report which are intended to address the management of wildlife in the City and to add definitions that support the new provisions.

The first recommendation is to amend Section 21.0(1) of the Animal Control By-law to expressly provide that any feeding of wildlife be prohibited. According to the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry, feeding of wildlife can pose threats to wildlife, such as:

- animals becoming dependent on artificial food sources;
- animals losing their natural fear of humans and pets, becoming more prone to conflict;
- wild animal health being adversely affected by artificial feed;
- wild animals gathering in large numbers when being fed — this concentration of animals in one area can spread parasites and disease and cause destruction of natural habitat, and can also increase the risk of animals being injured or killed by vehicles, if such feeding takes place near roads; and
- Increasing risk of illness to domestic pets ingesting food laid out.

Feeding of wildlife also poses threats to humans, such as:

- attracting "unwanted" animals to one's property by feeding wildlife;
- conditioning animals to associate humans with food, becoming problematic and creating a nuisance for neighbours;
- habituating animals if hand-fed, which can lead to an increase in inappropriate demand behaviours; and
- feeding animals near roads, which increases the risk of motor vehicle accidents, resulting in property damage, injury, or death.

This amendment provides greater protection for the public and wildlife by forbidding leaving of food, whether intentional or otherwise, that may attract wild animals (such as coyotes). This amendment does not impact the leaving of food for songbirds as provided for in subsection 21.0(2) of the By-law.

The second recommendation is to amend the title of Section 21.0 from "Feeding of Wildlife" to "Wildlife" to not limit the Section to strictly feeding provisions. This recommendation includes adding a subsection to prohibit the relocation or disturbing of any wild animal, nest, den or eggs, on both private and public property, unless authorized to do so by the City or by other applicable legislation, and also to prohibit the harassment, injury, or death of wildlife by a domestic pet.

The first subsection of this new section will provide more protection to wild animals and is consistent with provisions in the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c. 41 (FWCA), which prohibits taking, possessing or destroying eggs or nests of wild birds, and provides regulations around relocation of wild animals. [The FWCA](#) is one of the primary mechanisms for regulating, licensing, and managing fish and wildlife in Ontario and outlines regulations with respect to the hunting and trapping of game wildlife, including trapping methods, the keeping of wildlife in captivity, and the transportation and possession of wildlife. The provisions outlined in the new subsection will align with the regulations of the FWCA and further protect the natural habitats of wildlife in the City.

The second subsection will create provisions to prohibit owners from allowing their pets to kill, injure or harass wildlife on public or private property. By doing so, greater protections will be created for both wildlife and domestic pets by placing responsibility on pet owners to maintain control of their pets, as necessary, to prevent altercations. The new subsection will create an offence for owners that allow pets to kill, injure or harass wildlife on public or private property.

The third recommendation is technical in nature to add definitions to the By-law to support the new provisions and to clarify the meaning of certain terms.

The recommendations in this Report are being made in the interest of the welfare of wildlife in the City of Vaughan and to align the Animal Control By-law with provincial legislation, while also mitigating the potential for human-wildlife conflict.

The final recommendation brings the regulatory language with respect to dogs in parks in line with both the Animal Control By-law and the implementation of dog off-leash areas in City parks. The recommended language would still prohibit having dogs off leash in parks, unless in an explicitly off-leash designated area.

Financial Impact

There is no financial impact to the City's budget as a result of the recommendations of this report.

Broader Regional Impacts/Considerations

There are no specific broader impacts or regional considerations beyond those already discussed in this report.

Conclusion

The proposed amendments are intended to explicitly address feeding of wildlife, improper relocation of wild animals, the disturbance of wildlife or their nests, and the illegal injuring or killing of wild animals. By clarifying these actions as offences, enforcement staff will have the authority to address these issues, thus ensuring the safety, health and wellbeing of persons, pets, and wildlife in the City. In addition, the amendment being recommended for the Parks By-law will bring the regulatory language therein in line with provisions in the Animal Control By-law and the City's dog off-leash program.

For more information, please contact: Susan Kelly, Chief Licensing Officer and Director of By-law and Compliance, Licensing and Permit Services, ext. 8952

Attachment

1. Proposed Amendments

Prepared by

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Kristina Palayeva, Regulatory Business Analyst, ext. 8721.

Approved by



Gus Michaels,
Deputy City Manager,
Community Services

Reviewed by



Nick Spensieri,
City Manager

Proposed Amendments

Animal Control By-law:

1. Change the name of Part 21.0 from “Feeding of Wildlife” to “Wildlife”.
2. Delete the word “intentionally” in section 21.0(1).
3. Add section 21.0(4) to read as follows:

No person shall *Disturb* or *Relocate* any *Wild Animal*, nest, den, or eggs on any *Public Lands* in the *City* unless authorized to do so by the *City* or by applicable legislation, provided that the *Relocation* is done in a humane manner.

4. Add a definition for Public Lands to read as follows:

“Public Lands” means lands owned by the *City*, and shall include but not be limited to the boulevard, any highway, lane, alley, square, place, viaduct or trestle, water way or bridge, park, woodland, greenbelt, storm water management facility, open space, municipal golf course or cemetery, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk, but does not include property owned by the Regional, Provincial, Federal Government, a Crown Corporation, Hydro, Utility or Railway Company.

5. Add a definition for Private Property to read as follows:

“Private Property” means any property that is privately owned and is not owned by the *City*, the Regional Municipality of York, a Local Board, the Crown in Right of Ontario, the Crown in the Right of Canada, or any emanations thereof.

6. Add a definition for Disturb to read as follows:

“Disturb” means to intentionally or unintentionally change the conditions which interfere with the normal living of an *Animal*.

7. Add section 21.0(5) to read as follows:

No person shall allow his or her *Animal* to kill, attempt to kill, maim, injure or harass any *Wildlife* on *Public Lands* or *Private Property*.

8. Replace the wording “public property” to “*Public Lands*” throughout the By-law.

Parks By-law:

1. Repeal Part 35. and replace it with the following:

(1) While in any park, no person as owner or person having control of any dog shall:

(a) allow it to run at large, **except as permitted within a City designated off-leash zone;**

(b) excluding blind persons reliant upon a guide dog, permit any dog to enter any beach, pond, swimming area, farm area, garden, landscaped area, playground or sports field, or any other area posted to prohibit same.

(2) While in any park, every person as owner or person having control of any dog shall:

(a) ensure that it is on a leash or chain, **unless within a City designated off-leash zone;**

(b) excluding disabled persons, pick up and remove forthwith excrement left by the dog and dispose of it in a sanitary manner in a receptacle for litter or in some other suitable container.