

Clause embodied in Report No. 3 of the Board of Health, as adopted by the Council of the City of Toronto at its meeting held on May 30, 31, and June 1, 2001.

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**By-law to Prevent the Feeding of Wildlife in Parks
(All Wards)**

(City Council on May 30, 31 and June 1, 2001, adopted this Clause, without amendment.)

The Board of Health recommends adoption of the report (May 2, 2001) from the City Solicitor, subject to amending the draft by-law attached to the report to provide that the definition of “dangerous wildlife” does not include “fox”.

The Board of Health advises having adopted the report (May 16, 2001) from the Medical Officer of Health.

The Board of Health submits the following report (May 2, 2001) from the City Solicitor:

Purpose:

The purpose of this report is to respond to the Board of Health request that the Medical Officer of Health, in consultation with the City Solicitor, submit a report to the Board at its meeting on May 22, 2001, with respect to the prevention of feeding of potentially dangerous wild animals and to include in such report comment on the form and content of a by-law, subject to Provincial approval where required.

Financial Implications and Impact Statement:

There are no financial implications arising from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the draft by-law attached to this report be approved and that authority be granted to introduce the necessary bill in Council to give effect to it; and
- (2) the Province be requested to either amend the *Fish and Wildlife Conservation Act, 1997*, to make it an offence to feed or attempt to feed dangerous wildlife or, to amend the *Municipal Act* to enable municipalities to enact by-laws to prohibit feeding or attempting to feed dangerous wildlife on public and private property.

Background:

The Board of Health at its meeting on April 10, 2001, had before it a communication from Councillor David Miller, requesting that the Board of Health develop and recommend to Council a by-law to prevent the feeding of wild animals in order to address safety concerns arising from the feeding of coyotes.

The Board of Health referred this communication to the Medical Officer of Health, in consultation with the City Solicitor and requested a report and draft by-law for the next meeting of the Board on May 22, 2001. This report contains a draft by-law for consideration by the Board, as requested. The Medical Officer of Health will submit a separate report.

Comments:

Neither the City nor the Province has specific statutory authority to prohibit the feeding of dangerous or potentially dangerous wildlife.

The City has general authority under section 102 of the *Municipal Act*, to make regulations for the health, safety, morality and welfare of the inhabitants of the municipality and under paragraph 52 of section 201, to pass by-laws for the use, regulation, protection and government of parks. There is also authority under paragraph 140 of section 210 for the passage of by-laws prohibiting and abating public nuisances. This authority is sufficient to allow for an amendment to the City's Uniform Parks By-laws to prohibit the feeding of dangerous wildlife in parks, however, it is not sufficient to prohibit such feeding on all public and private property within the City.

In order to establish a more effective means of dealing with the problems associated with the feeding of potentially dangerous urban wildlife legislative amendments by the province are required. The province could amend the *Wildlife Conservation Act, 1997*, to prohibit the feeding or attempted feeding of dangerous wildlife in the same manner as the *British Columbia Wildlife Act, 1996*, which prohibits the feeding or attempted feeding of dangerous wildlife. This act also provides that an offence is committed if a person, with the intent of attracting dangerous wildlife, provides or leaves food, food waste or any other substance that could attract dangerous wildlife.

As an alternative to amending the *Wildlife Conservation Act, 1997*, the province could amend the *Municipal Act* to enable municipalities to enact by-laws to prohibit feeding or attempting to feed dangerous wildlife on public and private property.

Conclusions:

This report recommends adoption of a by-law in the form attached in order to address the immediate safety concerns arising from the feeding of dangerous or potentially dangerous wildlife in City parks. The public health concerns are addressed in a separate report from Toronto Public Health. A more effective and comprehensive approach to addressing this problem will require legislative action by province.

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List of Attachments:

Draft By-law

Enacted by Council:

CITY OF TORONTO
Bill No.

DRAFT BY- LAW No.

To amend the Uniform Parks By-laws of the former Borough of East York (94-92), the Cities of Etobicoke (Ch. 190), North York (31885), Scarborough (23728), Toronto (Ch. 255), York (2619-92) and the Municipality of Metropolitan Toronto (129-92) to prohibit the feeding of dangerous wildlife.

WHEREAS section 6 of By-law No. 2930-94 of the former City of York, "Being a by-law to adopt a Municipal Code.", permits an amendment to be made to a by-law listed in the Concordance of the former City of York's Municipal Code, in which event it shall be added to the corresponding Chapter of the Municipal Code; and

WHEREAS former City of York By-law No. 2619-92, "A By-law for the Use, Regulation, Protection and Government of Parks", as amended, is listed in the Concordance as being codified as Chapter 757, Park-Use-Regulation-Uniform;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The by-laws and municipal code chapters listed in Subsection A are amended as set out in Subsections B and C.
 - A. Uniform parks by-laws of former municipalities.
 - (1) Former Borough of East York By-law No.94-92," A Uniform By-law for the Use, Regulation, Protection and Government of Parks", as amended.
 - (2) Former City of North York By-law No. 31885, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks", as amended.
 - (3) Former City of Scarborough By-law No. 23728, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks", as amended.

- (4) Former Municipality of Metropolitan Toronto By-law No. 129-92, "A By-law for the Use, Regulation, Protection and Government of Parks.", as amended.
- (5) Former City of York By-law No. 2619-92, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks", as amended [and as codified in Chapter 757, Park–Use–Regulation–Uniform].
- (6) Former City of Etobicoke Municipal Code Chapter 190, Parks.
- (7) Former City of Toronto Municipal Code Chapter 255, Parks.

B. Definition added.

- (1) Section 1 of each of the by-laws [York Municipal Code, Article 2, Ch. 757] is amended by adding the following before clause (f):
"(e.1) "dangerous wildlife" means a coyote or fox;"
- (2) Section 190-1 of the former City of Etobicoke Municipal Code and § 255-1 of the former City of Toronto Municipal Code are amended, in each case, by adding the following definition in alphabetical order:

"DANGEROUS WILDLIFE — A coyote or fox."

C. Prohibition added.

- (1) Section 8 of each of the by-laws [York Municipal Code, Section 757.3.19] is amended as follows:
 - (a) By deleting "or" at the end of clause 8(a);
 - (b) By deleting the period at the end of clause 8(b) and substituting "; or"; and
 - (c) By adding the following:
"(c) feed or attempt to feed any dangerous wildlife."
- (2) Section 190-8 of the former City of Etobicoke Municipal Code and § 255-8 of the former City of Toronto Municipal Code are amended, in each case, as follows:
 - (a) By deleting "or" at the end of Subsection A;
 - (b) By deleting the period at the end of Subsection B and substituting "; or"; and
 - (c) By adding the following:
"C. Feed or attempt to feed any dangerous wildlife."

ENACTED AND PASSED this day of , A.D. 2001.

The Board of Health also submits the following report (May 16, 2001) from the Medical Officer of Health:

Purpose:

This report provides information on the feasibility measures that can be taken to prohibit the feeding of wild animals in Toronto.

Financial Implications and Impact Statement:

There are no financial implications to this report. If the Uniform Parks By-law is amended to prohibit the feeding of dangerous wildlife, enforcement of the by-law will be done within existing resources in Toronto Animal Services and Economic Development, Culture and Tourism.

Recommendations:

It is recommended that:

- (1) Toronto Animal Services continue its public education initiative to discourage the feeding of dangerous wild animals in Toronto;
- (2) the Board of Health request the Commissioner of Economic Development, Culture and Tourism to install signs in public parks prohibiting the feeding of dangerous animals in parks;
- (3) this report be sent for information to the Toronto District School Board and the Toronto Separate School Board; and
- (4) that the appropriate City officials be authorized and directed to take the necessary steps to give effect thereto.

Background:

Concerns have been raised about the problems associated with the feeding of dangerous animals in Toronto, in particular, coyotes and foxes. There is a fear that the practice of feeding dangerous animals makes them dependent and that it draws such animals from their natural habitat into closer, more constant contact with humans. Vulnerable people, especially the elderly and very young may be at risk if potentially dangerous animals are in regular contact.

At its April 10, 2001 meeting, the Board of Health had before it a communication (January 30, 2001) from Councillor David Miller requesting the Board of Health to develop and recommend to Council a by-law to prevent the feeding of wild animals. The Medical Officer of Health in consultation with the City Solicitor was therefore asked to submit a report to the May 2001 Board of Health as the prevention of feeding of potentially dangerous wild animals.

Comments:

This issue has been reviewed by Toronto Animal Services over the past several months. No municipal restrictions were found to be in place in Canada other than those in several jurisdictions, which prohibited the feeding of geese. The Province of British Columbia prohibits the feeding of wolves, coyotes and bears. Ontario discourages the feeding of wildlife in provincial parks.

Wildlife has been fed by humans whether passively by leaving garbage out or actively by establishing bird or squirrel feeders. Any wildlife can pose potential danger when it loses its fear of humans. The seriousness of injury increases with the size of the animal and it may be that that is the reason for the proposed prohibition of feeding 'dangerous animals' such as coyotes and foxes.

Toronto Animal Services (TAS) has responded to concerns expressed by the community in the High Park area for over 2 years. Special patrols and surveillance were established to observe and respond to concerns expressed by the public, school board officials and the ward Councillor. TAS staff have spoken with park users and have distributed educational material on coyotes. Educational information regarding wildlife, specifically coyotes, has been posted on the TAS web site. Staff have visited persons who have been reported to feed the coyotes on purpose and inadvertently to advise them on the associated problems.

A TAS Education Officer has presented 4 information sessions to school children. A public meeting was held at which over 100 persons attended as well as 3 Councillors. Experts from the Ministry of Natural Resources, the Toronto Regional Conservation Authority and the Toronto Wildlife Centre made presentations and responded to questions at that meeting. TAS staff will continue to offer educational sessions throughout Toronto.

The City can and does control activity in City parks and while it may be difficult to effectively enforce a prohibition on the feeding of dangerous animals, passage of a by-law and the attendant public information would serve to deter people from feeding coyotes and foxes. The City Solicitor has prepared a draft by-law to prohibit the feeding of dangerous wildlife.

Conclusions:

In the long term an effective way to reduce contact of dangerous wildlife with humans is to undertake an educational program to inform the public of the reasons to avoid feeding such animals. Signage placed at strategic areas in parks where coyotes and foxes frequent should be installed to inform the public that feeding coyotes and foxes is prohibited. In the short term an amendment to the Uniform Parks By-law to prohibit the feeding of dangerous wildlife may also be effective.

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