



STAFF REPORT ACTION REQUIRED

CAZA Accreditation: City of Toronto Municipal Code Chapter 349, Animals

Date:	June 10, 2010
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2010\Cluster B\MLS\Ls10023

SUMMARY

The purpose of this report is to explore the feasibility of the Canadian Association of Zoos and Aquariums (CAZA) expanding its accreditation program to include organizations such as Earth Rangers. Expanding the accreditation program would permit these organizations, if accredited, to use animal 'Ambassadors' in educational programs which would otherwise be prohibited by Chapter 349, Animals, of the Municipal Code.

Earth Rangers is a non profit organization, located in Woodbridge, Ontario, that focuses, in part, on communicating the importance of protecting endangered animals and habitats using live animal 'Ambassadors' in educational programs at schools and community events in Toronto (and across Ontario).

Toronto Municipal Code, Chapter 349 Animals does not currently offer a process by which organizations may apply for exemption status.

CAZA, Earth Rangers, and the Legal Services Division were consulted in the preparation of this report.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. Toronto City Council request the Canadian Association of Zoos and Aquariums, to develop an 'affiliate accreditation program'.

Public notice has been given in the manner prescribed in the Toronto Municipal Code Chapter 162, Notice, Public.

Financial Impact

Adoption of the recommendation will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

At the April 29, 2010 Licensing and Standards Committee meeting, a request was made by the organization, "Earth Rangers" to be exempt from the provisions of the Toronto Municipal Code, Chapter 349 Animals to allow them to feature live animals identified as prohibited animals, in their public outreach shows at schools and community events.

The Committee further directed the Executive Director, Municipal Licensing and Standards to submit a report on the feasibility of providing an exemption and to ensure that appropriate notice be given to all interested persons when this matter is brought forward (see link below).

<http://www.toronto.ca/legdocs/mmis/2010/ls/decisions/2010-04-29-ls29-dd.htm>

ISSUE BACKGROUND

Toronto Municipal Code, Chapter 349 Animals, adopted in 1999, was developed within the Toronto Animal Services' mission statement of promoting and supporting "a harmonious environment where humans and animals can coexist free from conditions that adversely affect their health and safety".

To achieve that goal, the bylaw provisions, including Article II Prohibited Animals, were carefully considered, recommended and ultimately adopted by Council.

Recently, the Licensing and Standards Committee received a communication from Earth Rangers requesting exemption to the Toronto Municipal Code, Chapter 349, specifically section 2, Keeping of certain animals prohibited.

COMMENTS

Toronto Municipal Code, Chapter 349, Animals

Developed and adopted in 1999, the Animals Bylaw took into account the concerns, suggestions and recommendations arising from depositions, written comments, submissions from the Animal Services Advisory Subcommittee, the Board of Health and staff. The by-law prohibits the keeping of certain animals, either on a temporary or permanent basis, in the City of Toronto.

Schedule A of Chapter 349 details the list of prohibited animals. The list of prohibited animals mainly covers animals which may be considered a health and/or safety risk to the community. These include some mammals (tigers, kangaroos, non-human primates, bears, elephants et cetera), some birds (flightless birds such as ostriches and emus, geese, pheasants), reptiles such as alligators and crocodiles, snakes that reach an adult length of greater than three metres and lizards that reach an adult length of greater than two metres, and all venomous and poisonous animals.

Additionally, the list includes those animals whose keeping in an urban setting may lead to significant nuisance problems, such as noise and/or odour for neighbouring residents, including a variety of farm animals (for example, cattle, goats, sheep and pigs).

Exemptions to Chapter 349 Article II Prohibited Animals

When the Animals Bylaw was enacted in 1999, it included a number of exemptions to the prohibition on keeping certain animals in the City. These exemptions include the following: premises on lands owned and operated by the City (which are listed in Schedule B of the by-law), premises of a City animal centre, an accredited veterinary hospital under the care of a licensed veterinarian, and education programs using animals if the animals are owned by institutions accredited by CAZA.

Chapter 349 Animals of the Toronto Municipal Code does not currently include a permitting provision or an appeals process. The consideration of amending the Bylaw to allow for additional organization exemptions to Schedule A, or to establish a permitting or appeals process would necessitate extensive and lengthy consultation with interested internal and external stakeholders. In addition to establishing a process for organizations requesting exemption to Schedule A, a delisting process must also be considered. There is also the matter of implementing a regulatory or enforcement process to ensure that exempt organizations maintain a code of ethics and certain standards with regards to the care and treatment of animals.

Animals Bylaws in other Municipalities

A review of the Animals Bylaws of various surrounding municipalities (for example, Oshawa, Mississauga, Markham, Vaughan and Ottawa) was completed. It was found that the Schedules listing prohibited exotic animals are similar with no exemptions or appeals processes established.

However, of the municipalities reviewed both Mississauga and Oshawa exempt “...any person in charge of a travelling circus, exhibition, or road show, or any employee thereof, lawfully displaying animals...” The City of Markham exempts the above, providing that certain criteria are met, including a requirement for accreditation by CAZA or American Zoo and Aquarium Association (AZA).

The City of Ottawa currently exempts educational programs run by institutions accredited by CAZA or AZA. This is reflective of what is in Chapter 349, Animals of the Toronto Municipal Code.

Earth Rangers

Earth Rangers, located in Woodbridge Ontario is a registered non-profit organization focused on communicating a positive, science-based message to school children on the importance of protecting biodiversity and inspiring them to adopt sustainable behaviours and protect endangered animals and habitats. They are fully supported through donations and partnerships (for example, the Nature Conservancy of Canada). Major donors include Husky Injection Molding Systems Ltd, the Krembil Foundation and the Schad Foundation.

Earth Rangers delivers their message through award winning, curriculum-linked educational assemblies (over 500 000 such shows in 2009). The shows are provided free of charge to elementary schools located in the Greater Toronto Area. Using “animal ambassadors”, Earth Rangers operates free live shows that educate audiences about endangered species and the need to protect their habitat. Since 2001, these shows have been delivered at schools and community events across Ontario and at their permanent theatre at the Royal Ontario Museum (ROM).

The Earth Rangers’ Animal Ambassadors are considered to be an integral part of their environmental programs. The animals act as representatives of their species in the wild, and help to illustrate how human actions affect animal habitats. Animals create an immediate connection with the audience, inspiring them to take action and help to protect the planet.

Animal Ambassadors are animals that have been acquired through two methods: rescues and through captive breeding programs that are designed to ensure the survival of the species. All of their animals are non-releasable, which means that they could not survive

back in the wild, either because of injury or because they no longer have the skills to provide for themselves.

At this time, Earth Rangers uses 39 animal ambassadors in their live shows. Of these 39, six have been identified to be on the prohibited list. They include one serval (which does not go out to schools but is featured at the ROM), two pine martens, one skunk, and two ring-tailed lemurs.

Earth Rangers currently holds exemption status in the Municipality of Vaughan to By-law number 53-2002: A Bylaw to regulate the keeping of animals in the City of Vaughan, including provisions for animal identification.

CAZA Accreditation

The Canadian Association of Zoos and Aquariums (CAZA) formed in 1975, is a national not-for-profit organization. CAZA works to standardize professional conduct through a rigorous Code of Ethics and a comprehensive accreditation program, which among other things, involves regular inspection of facilities that keep animals.

It is the national voice of the zoo and aquarium community in Canada. Its purpose is to promote the welfare of animals and encourage the advancement of conservation, education, and science.

CAZA members teach children and adults about the natural world, its varied species, the impact of human activities on that world and the actions that need to be taken to protect it and its wild inhabitants.

CAZA also supports programs to preserve threatened species and their habitat and works to preserve the genetic diversity of species.

Staff contacted CAZA to discuss Earth Rangers and the possibility of CAZA expanding its accreditation program to include Earth Rangers and similar organizations. CAZA advised that many of their members work with, or are associated with Earth Rangers in some capacity.

CAZA endorses the public service provided by Earth Rangers to children and communities with respect to the promotion the welfare of animals and encouraging the advancement of conservation, education and science. However they acknowledge that organizations such as Earth Rangers fall into a grey area, since in order to be accredited by CAZA, an organization **must** be open to the public. That Earth Rangers does public outreach programs does not qualify as being “open to the public” since CAZA requires inspection of the environments wherein animals are housed when viewed by the public.

Bill Peters, the National Director of CAZA commented that with an official request by the City of Toronto, he would approach the CAZA Board of Directors to pursue the development of an “affiliate accreditation program” that would enable organizations such as Earth Rangers, which are not open to the public, to apply for CAZA accreditation.

Working with CAZA to establish the affiliate accreditation program would allow organizations such as Earth Rangers to achieve CAZA accreditation and enable the City of Toronto to maintain the integrity of Chapter 349, Animals.

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SIGNATURE

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