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**TO:** GENERAL COMMITTEE

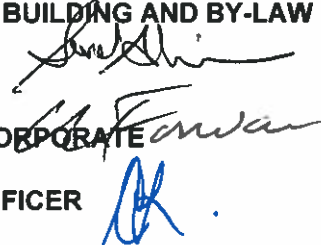
**SUBJECT:** FEEDING WILDLIFE

**PREPARED BY AND KEY CONTACT:** T. BANTING, MANAGER OF BY-LAW SERVICES, EXT. 4336.

**SUBMITTED BY:** G. ALLISON, P.Eng., CBCO, DIRECTOR OF BUILDING AND BY-LAW SERVICES

**GENERAL MANAGER APPROVAL:** R. FORWARD, MBA, M.Sc., P.Eng.  
GENERAL MANAGER COMMUNITY AND CORPORATE

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** CARLA LADD, CHIEF ADMINISTRATIVE OFFICER



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**RECOMMENDED MOTION**

1. That By-law 2010-035 (Animal Control By-law) be amended by adding the following section:

15.5.1.0.0 *Notwithstanding the above section, persons or agents acting on behalf of, or in conjunction, with a registered charitable or not for profit organization with a mandate to care for feral or stray cats shall be exempt from section 15.5.0.0.0. All other provisions of this By-law shall apply.*

2. That By-law 2010-035 (Animal Control By-law) be further amended by adding the following:

18.8.4.0.0 *be amended by adding subsection (3) below:*

(3) *the leaving of food for the purpose of providing life sustaining resources or as a bait in a trap for feral or stray cats by an person or agent acting on behalf of or in conjunction with a registered charitable or not for profit organization having a mandate to care for feral or stray animals.*

3. That staff within the By-law Services Branch of the Building and By-law Services Department continue to respond on a complaint only basis to matters concerning section 18.0.0.0.0 of this by-law.

**PURPOSE & BACKGROUND**

4. The presence of racoons, skunks, mice and other wildlife within residential neighbourhoods has often been considered by residents to be a nuisance and potentially a health and safety concern.
5. In addition to existing maintenance standards that requires residents to contain any garbage stored outdoors in rigid containers, Council was interested in prohibiting residents from leaving food outdoors that could attract unwanted wildlife.
6. On January 7, 2013, City Council adopted motion 13-G-013 as follows:

"That staff in the Legal Services Department prepare a By-law in a manner similar to the City of Mississauga's Animal Care and Control By-law 0098-04 to prohibit a person from intentionally feeding a wild animal or leave food or attractants of any type out of doors in such a manner as to

attract or be accessible by a wild animal, feral or stray domestic animal on private or public property.”

7. On February 11, 2013 By-law 2010-035 was amended to include as follows:

**“18.8.0.0.0 Feeding of Wildlife**

18.8.1.0.0 *For the purpose of this section, the following meanings shall apply:*

18.8.1.1.0 *“attractant” means any substance which could be reasonably expected to attract a wild animal or animals or does attract wild animals, strays, feral or abandoned animals.*

18.8.1.2.0 *“feed or feeding” means the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by wild animals, strays, feral or abandoned animals.*

18.8.1.3.0 *“wild animal” means all mammals other than domestic animals.*

18.8.2.0.0 *No person shall intentionally feed a wild animal or leave food or attractants of any type or in any form out of doors in such a manner as to attract, or be accessible by a wild animal, feral or stray domestic animal on private or public property.*

18.8.3.0.0 *Section 18.8.2.0.0 does not apply to the feeding of song birds on a property, provided the following feeding requirements are met by the owner or occupier:*

- (1) *Seed is placed in a bird feeding device that is sufficiently above grade so as not to attract or be accessible by wild animals; and*
- (2) *Bird feeding practices do not attract large flock of homing birds such as wild, feral or domestic pigeons; and*
- (3) *Spillage of seed upon the ground is removed by the property owner or occupier forthwith and disposed of in a manner that it does not attract wild animals, feral or stray domestic animals.*

18.8.4.0.0 *Section 18.8.2.0.0 does not apply in the following situations:*

- (1) *the leaving of food as bait in a trap by a property owner to capture a nuisance animal inhabiting or habituating their property pursuant to the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41.*
- (2) *the leaving of food as bait by a licensed trapper, and employee of a licensed wildlife or pest control agency, a Municipal Law Enforcement Officer, an Ontario Society for the Prevention of Cruelty to Animals Inspector or a City of Barrie Police Officer, in the performance of their work.”*

**ANALYSIS**

8. Staff found within the first year following the passing of the Feeding Wildlife section in the Animal Control By-law that the number of complaints filed within By-law Services was minimal.

9. Below you will find a summary of the complaints received between February 2013 and February 2014:
  - Total of 14 complaints - persons feeding wildlife (birds) and feral cats, causing other animals to be attracted to various properties.
  - All home owners were cautioned regarding the by-laws and provided a copy of the by-law for reference. Staff also provided some suggestions and or remedies which would assist them in continuing to, for example, feed birds without attracting other wildlife species.
  - All home owners have since complied with the regulations set out in the by-law.
10. One challenge encountered by staff and various animal organizations with respect to the regulations set out in By-law 2010-035 is in connection with the feeding or trapping of feral or stray cats.
11. Many animal organizations working within various communities provide an important service to the community by way of different programs which allow for the humane trapping, spaying/neutering and release of feral cats to lessen the effects of over population.
12. In addition to the spay and neuter programs they offer, they in many cases are able to feed the stray animals, eventually gaining the trust of that animal and rehabilitate stray cats in order to adopt them out to appropriate homes.
13. The provisions set out in By-law 2010-035, sections 15.5.0.0.0 and 18.0.0.0.0, restrict the capabilities of such organizations therefore limiting their ability to assist the community in controlling the over population of stray or feral cats.
14. Currently By-law 2010-035, section 15.5.0.0.0 states: "No person shall use a live trap to capture a cat". In light of this restriction staff are recommending that section 15.5.0.0.0 be amended as noted in the recommendations.
15. Staff believe that allowing such charitable or not for profit organizations the means to conduct these activities is necessary to the overall health of the community. Services similar to this have been shown to help control, and in some cases reduce the number of feral or stray cats contained within an area therefore assisting in maintaining the bird populations and other indigenous species that inhabit our communities.
16. Staff do not believe that allowing for such organizations to feed or trap feral or stray cats goes against the intent of this by-law. These organizations conduct such tasks in controlled areas and under the daily watch of its members. According to these organizations the services provided are done so as to not attract other animals into already populated areas. All feeding sites are controlled and timed to ensure the food is not left to attract other animals and should a trap be set, it is monitored regularly to ensure the intended animal is captured and treated under the program.
17. When developing these proposed amendments, staff asked for comments from the Ontario Society for the Prevention of Cruelty to Animals (SPCA) with respect to any concerns they may have relating to the allowances proposed in this report.
18. Representatives from the Ontario SPCA have provided the following comments and are in support of this initiative.

"We welcome the recommendations being brought forward from the municipality. The community created the feral cat problem/crisis and it's honorable that non-profits would like to help and take on the entire community's unloved feral cats. Programs or allowances similar to this are very effective in many cities."

### **ENVIRONMENTAL MATTERS**

19. There are no environmental matters related to the recommendation.

### **ALTERNATIVES**

20. There are two alternatives available for consideration by General Committee:

#### **Alternative #1**

General Committee could alter the proposed recommendation by requiring staff maintain By-law 2010-035, sections 15.5.0.0.0 and 18.0.0.0.0 as previously passed on February 11, 2013 and that staff within the By-law Services Branch continue to enforce the regulations as previously directed.

This alternative is not recommended at this time as it would further prevent animal organizations from providing a humane way to deal with any feral or stray cats within the community. Doing so may in the future result in the municipality being forced to take other measures to control the cat populations themselves at a cost to the municipality.

#### **Alternative #2**

General Committee could alter the proposed recommendation by repealing section 18.0.0.0.0 of By-law 2010-035 due to the low volume of complaint activity within the community.

This alternative is not recommended as it removes any alternative for members of the community who are adversely affected by neighbouring property owners who feed wildlife thereby attracting further wildlife, feral or stray cats.

### **FINANCIAL**

21. There are no financial implications for the Corporation resulting from the proposed recommendation.

### **LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN**

22. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.