

REPORT

Council

Meeting Date: April 24, 2023

FROM: Municipal Enforcement Services Department

DATE: April 11, 2023

SUBJECT: Lot Maintenance By-law 2017-008 update - feeding wildlife – By-law 2023-026

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION:

That By-law 2023-026, a by-law to amend Lot Maintenance By-law 2017-008, as amended, respecting feeding wildlife, attached as Appendix A to the report from Municipal Enforcement Services dated April 11, 2023, be passed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The town supports a living with wildlife approach
- Current by-laws focus on garbage, waste and property standards, but do not regulate feeding wildlife, except for Parks By-law 2013-013 which prohibits feeding wildlife in a park
- Staff is proposing to amend Lot Maintenance By-law 2017-008 to include specific prohibitions for feeding wildlife except in limited circumstances

BACKGROUND:

Providing food is one of the main reasons conflicts can arise between wildlife and people, and:

- may attract unwanted species to a property
- leads to potential dependency on people as a food source
- may result in habituation and a change in behaviour (ie. more aggressive behaviour)

Feeding wildlife can lead to:

- negative impacts on the health and welfare of wildlife

- increased public health concerns from the spread of disease and increased rodent activity and infestation
- property damage by wildlife such as raccoons
- negative interactions with pets and humans

Existing Procedures:

Wildlife Procedure

The Town's Wildlife Procedure came into effect on November 19, 2012 and is comprised of the Oakville Wildlife Strategy (OWLS) and the Wildlife Conflict Protocols. The purpose of the Wildlife Procedure is to provide guidance to staff in matters pertaining to wildlife and preventing and managing conflict situations between wildlife and people.

The OWLS component of the Procedure provides a comprehensive overview of matters pertaining to wildlife in Oakville, including relevant legislation and background supporting the detailed procedures as well as a list of ten recommendations to be implemented in support of wildlife in Oakville.

The Wildlife Conflict Protocols component of the Procedure provides guidance on the course of action(s) to take when dealing with wildlife conflict situations.

Coyote Education and Response Procedure

The Town's Coyote Education and Response procedure came into effect on June 22, 2020 and is a strategy to educate the community to be coyote-wise and advise how to respond to incidents involving coyotes. This procedure is based on best known coyote management practices and scientific research as well as an understanding of coyote ecology and biology in an urban setting.

COMMENT/OPTIONS:

Current By-laws

Currently, Lot Maintenance By-law 2017-008 and Property Standards By-law 2017-007 are used to investigate individuals who keep their property in a condition that may encourage infestation by pests such as rodents, vermin and insects, who fail to keep their property free of waste, or fail to properly store refuse and recyclable materials.

While complaints about waste, garbage and infestations can be responded to and enforced using the current by-laws, staff recommends that language specifically prohibiting feeding wildlife and leaving out attractants be included in the Lot Maintenance By-law. The result, if approved, will be a town-wide ban on feeding

wildlife since Parks By-law 2013-013 currently prohibits feeding wildlife, including coyotes and waterfowl such as geese or ducks, in a park.

Amending By-law 2023-026

Having a specific prohibition against feeding wildlife and leaving out attractants will be an important enforcement tool and act as a deterrent for residents who currently feed wildlife. As such, Amending By-law 2023-026, attached as Appendix A to this report, proposes to amend the Lot Maintenance By-law to prohibit direct and indirect feeding wildlife, while allowing for the feeding of songbirds and hummingbirds in specific circumstances.

The proposed by-law defines “Wildlife” as animals that belong to a species that is wild by nature and includes, but is not limited to, coyotes, foxes, deer, wild rabbits, raccoons, opossums, squirrels, skunks and pests. The definition excludes domestic animals, feral or stray cats, songbirds and hummingbirds.

Feed/feeding is defined as the act of furnishing or making food or other substances available which is likely to be consumed by wildlife, feral or stray domestic animals. This definition does not include keeping compost in accordance with the Lot Maintenance By-law or growing fruits and vegetables in gardens, however, the definition does include fruit and/or nuts that have fallen from trees.

Attractants are defined as any substance which could reasonably be expected to attract wildlife or does attract wildlife, feral or stray domestic animals.

The Amending By-law proposes to prohibit:

- feeding wildlife on private and municipal property;
- leaving food or attractants outdoors that attracts or is accessible to wildlife, feral or stray domestic animals; and
- feeding any bird other than a songbird or a hummingbird. This provision does not apply to pigeons kept in accordance with the Town’s Animal Control By-law 2018-006, or successor by-laws

The Amending By-law sets out requirements for feeding songbirds and hummingbirds, including:

- placing food for songbirds or hummingbirds in a bird feeding device that is sufficiently above grade so as not to attract or be accessible by wildlife;
- removing food spilled on the ground forthwith and disposing of same so as not to attract wildlife, feral or stray domestic animals; and
- keeping the bird feeding device in a sanitary condition and in good working order.

The Amending By-law’s provisions respecting feeding wildlife do not apply to:

- licensed trappers, authorized wildlife or pest control agencies or their employees, in the performance of their work;
- a person authorized by any other legislation to leave food as bait for wildlife;
- a person leaving food as bait for wildlife where such person is acting on behalf of or under the direction of the Oakville & Milton Humane Society;
- food left for the purpose of providing life sustaining resources or as a bait in a trap for feral or stray cats by a 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;
- research programs undertaken by a university, college, government research body or wildlife research institution; or
- fishing in accordance with a valid provincial licence.

Municipal Scan

Several surrounding municipalities have adopted prohibitions on feeding wildlife, including Burlington, Guelph, Hamilton, London, Markham, Mississauga, Brampton, Vaughan and Toronto.

Education and Enforcement

Staff will develop and undertake a campaign to ensure that residents understand the new regulations regarding feeding wildlife. Information will be provided via social media and on oakville.ca.

Enforcement of the proposed regulations regarding feeding wildlife will be conducted by Municipal Standards Investigators. An administrative penalty of \$300 may be issued to persons who fail to comply with the requirements of the by-law. Further action may be taken for subsequent violations including escalated penalties of \$400 for a second offence and \$500 for a 3rd offence.

CONSIDERATIONS:

(A) PUBLIC

Subject to Council's approval, staff will communicate, promote and enforce wildlife feeding regulations.

(B) FINANCIAL

There is no significant financial impact as a result of this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Communication staff will assist in updating communications and the website to assist in public awareness.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- Continuously improve our programs and services
- Provide outstanding service to our residents and businesses
- Be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

Ensuring that municipal by-laws respecting people, pets and coyotes in our environment addresses the pillars of social sustainability.

APPENDICES:

Appendix A – By-law 2023-026 a by-law to amend Lot Maintenance By-law 2017-008, as amended (feeding wildlife)

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