Dear Ms. Robicheau,

Please find attached my comment submission (3 pages) regarding the proposed "Responsible Animal Ownership" By-Law for inclusion into the Planning Meeting Agenda scheduled for November 15, 2011 @ 9:30am.

If you would be so kind as to provide a reply to confirm receipt of this submission it would be much appreciated. If you have any issues with this transmission please contact me so that I may immediately resolve the problem. Thank you very much.

Kindest Regards, Joe Stocco
Comments Regarding the Proposed Responsible Animal Ownership By-Law  
(Report PED09303(b)) for the City of Hamilton

Submitted to: Chair and Members of the Planning and Economic Development Committee

Written submission for inclusion into the Public Delegations Planning Committee meeting agenda – November 15, 2011 commencing 9:30am

Submitted by: Giuseppe (Joe) Stocco (Ward 8)

Date:       November 14, 2011

Dear Planning Committee,

I would like to express my contentment that the City of Hamilton has recognized the traditional Art of Falconry (Section 9.1 indicates that raptors can be retained within the city “as permitted under a provincial falconry licence”) which is consistent with the findings of the United Nations Educational, Scientific and Cultural Organization (UNESCO) which has included falconry in its list of Intangible Cultural Heritage of Humanity. The Falconry tradition is to be preserved and perpetuated for future generations. The City of Hamilton is a community of diversified cultures of which falconry has historically and is currently associated with – European, Asian, Middle East, and the Orient – the acknowledgement of falconry in the by-law is fulfilling the mandate of UNESCO’s listing and addressing the interests of the City of Hamilton resident falconers. The number of people who will devote themselves to falconry is very small, approximately 120 falconers reside within Ontario (I’m aware of 6 falconers in the City of Hamilton who are licenced by the Ontario Ministry of Natural Resources (OMNR)). Please realize that the art of falconry is a self-limiting in the sense that it is very time consuming and requires anyone embarking to become a licenced falconer to enter into an Apprenticeship with a OMNR authorized Sponsor. This Sponsor will provide the necessary tutelage to impart skills to train a raptor and adequately care for in regards to housing, health, and diet. Without maintaining these basic elements of raptor husbandry the practice of falconry could not successfully be enjoyed. Therefore the Provincial Apprenticeship program for licensing emphasizes competency and ultimately responsible ownership of a raptor.

Unfortunately, further reading the proposed By-Law I had become disheartened and baffled (as well as other Hamilton resident falconers), specifically in regards to the additional restrictions and in particular a section which would basically impose a prohibition on the practice of falconry within the City of Hamilton. It was previously communicated by a Planning and Economic Development Department representative (April 2011) that “it is not our intent to prohibit activities that the Ministry of Natural Resources have already approved”. But based upon the proposed by-law this was not the outcome. I could only attribute this to misconceptions and lack of clarity of facts regarding falconry and raptors. The contentious sections are as follows (underlined) and my comments are appended to each section.
1. **Section 9.1 Raptors**, indicates that raptors can be retained within the city "as permitted under a provincial falconry licence; and (b) located on rural or agricultural premises zoned under a City zoning by-law permitting such a use". Sub-section (b) imposes an unsubstantiated restriction where raptors may be kept, i.e. only "Rural and Agricultural zoning". This provision in the by-law would therefore exclude everyone in an urban setting within the City of Hamilton from participating in this fascinating art form as a falconer. Raptors are easily accommodated in an urban setting and not just in those designated by the proposed by-law. Raptors can be housed adequately in quarters that are very similar to the average unobtrusive small garden shed. The overall impact on the community, if any, is certainly less than the keeping of even a small dog or equivalent size bird (Parrot). I cannot determine a credible reason why this section had been included, the raptor poses no health risk to the community nor do they create any undue public disturbances or sanitary concerns. This can be promptly witnessed within Hamilton's urban zones, where there is an abundance of raptors that we cohabit with on a daily basis, such raptors as the red-tailed hawk, coopers hawks, merlin, sharp-shinned hawk, etc. This is also obvious as seen annually where breeding Peregrine falcons are nesting basically across the street from Hamilton city hall without any impact to the public (maybe sore necks by the public who are enthralled with the peregrines). Nearby Kitchener/Waterloo permits the keeping of raptors with the only restriction being that those possessing a raptor are required to be a licensed falconer with the OMNR. The proposal cites the City of Calgary as the "best practice" model for Hamilton's animal control by-law however Calgary has no restrictions pertaining to the keeping of raptors since the Province controls this activity.

2. **Section 9.2** which reads, "**Despite section 6.3, raptors permitted under this by-law shall not be at large when hunting**" (as defined within the by-law "at large" means not on a leash and under the control of some person). This is not a practical or necessary restriction as it applies to the practice of falconry which involves hunting legal wild quarry with a trained raptor in flight. As can be appreciated, a raptor cannot hunt (i.e. fly) if tethered as currently described in the proposed bylaw. Therefore, the restrictiveness will impart unnecessary burden upon the raptor. In addition, by imposing a no "at large" restriction for raptors the city has prohibited a lawful form of hunting without just cause. This goes against the Fish and Wild-Life act which provides the privilege to hunt without obstruction if done so in a safe and legal manner. As described, the practice of falconry poses negligible health risk to the general public. It is an activity that is presently authorized and otherwise highly regulated by the Ontario Ministry of Natural Resources. The raptor when flown (either for training or hunting purposes) is under the control of the falconer and is monitored continuously since it is always the center of attention. It is this cooperative (intimate) interaction between falconer and raptor that is the essence of falconry.
In summary, the keeping of raptors will have insignificant impact on the Hamilton community and the city resources (staffing and financial/budget implications). In fact falconers are more than willing to volunteer their services in situations that may arise that require someone with raptor experience. With OMNR regulations already licencing falconers and provincial animal welfare legislation in place, the public interest is more than adequately addressed.

Therefore I respectfully advise that the restrictions imposed by Section 9.1 Raptors, (b) and located on rural or agricultural premises zoned under a City zoning by-law permitting such a use”, and Section 9.2, “Despite section 6.3, raptors permitted under this by-law shall not be at large when hunting”, be withdrawn from the proposed by-law. The only requirement for possession of a raptor in the City of Hamilton is the existing OMNR Falconry Licencing system which provides the necessary controls for this activity and establishes the falconer’s competency in the husbandry and training of raptors. This would also be similar with the privilege granted to a Wildlife Custodian by the city, Section 9.4 “Despite sections 9.1 and 9.3, a provincially authorized wildlife custodian may keep an animal prohibited under this By-law in accordance with the authorization”, of course the difference would be the falconer would only be authorized to possess raptors, Section 9.1 Raptors, “as permitted under a provincial falconry licence.”

Thank you very much for the opportunity to provide my comments and significant facts to assist in preparing a well balanced and comprehensive Responsible Animal Ownership By-Law.

Sincerely Yours,

Giuseppe (Joe) Stocco

- Falconer for the past 21 years of which 12 of those years I’ve been an Ontario licenced falconer since the inception of the Fish and Wildlife Act 1998.
- Member of the Ontario Hawking Club for 22 years
- Member of the North American Falconer’s Association for 20 years
- 23 years as a resident and home owner within the City of Hamilton (Ward 8)