**TO:** Chair and Members Planning Committee  
**WARD(S) AFFECTED:** CITY WIDE

**COMMITTEE DATE:** June 5, 2012

**SUBJECT/REPORT NO:**  
Regulation of Feeding of Wildlife By-law (PED12097) (City Wide)  
(Outstanding Business List Item)

**SUBMITTED BY:**  
Tim McCabe  
General Manager  
Planning and Economic Development Department

**PREPARED BY:**  
Sue O'Dwyer 905-546-2424 Ext. 2597

**EXECUTIVE SUMMARY**

At the November 15, 2011 Special Planning Committee, dealing with the proposed Responsible Animal Ownership By-law, staff were directed to report back on options to ban the feeding of wildlife in Hamilton.

**RECOMMENDATION**

a) That By-law No. 02-136 To Regulate Pigeon Pests be repealed and replaced with a By-law to Regulate the Feeding of Wildlife;

b) That the draft bylaw being By-law to Regulate the Feeding of Wildlife attached as Appendix “A” to Report PED12097, which has been prepared in a form satisfactory to the City Solicitor be enacted; and,

c) That the item respecting Prohibition of the Feeding of Wildlife be removed from the Planning Committee’s Outstanding Business List.
Interactions with wildlife can often lead to undesirable consequences for humans, their pets, their property, and for the wildlife. In an effort to reduce this interaction and support the Ministry of Natural Resources (MNR) and organizations such as Coyote Watch Canada, a By-law to Regulate the Feeding of Wildlife is recommended in this Report.

Alternatives for Consideration – See Page 4

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

At the November 15, 2011 Special Planning Committee, dealing with the proposed Responsible Animal Ownership By-law, Ms. Sampson addressed the Committee on behalf of Coyote Watch Canada. A copy of her presentation is attached as Appendix “B” to this Report. Ms. Sampson discussed the need to proactively educate the public against feeding wild animals, specifically the feeding of coyotes, and she indicated that there is a need to create a by-law to prohibit the feeding of wild animals.

Council endorsed the following motion on December 14, 2011:

“WHEREAS there are known negative effects when wild animals are attracted to neighbourhoods by citizens feeding these animals;

AND WHEREAS in Hamilton, unsafe conditions have been created due to wildlife feeding on the Beach Strip with coyotes and deer in the Iroquois Heights Conservation Area;

AND WHEREAS other municipalities have banned feeding of wildlife (i.e. Mississauga, Thunder Bay, Vancouver).

NOW THEREFORE BE IT RESOLVED that staff be directed to report back on options to ban the feeding of wildlife in Hamilton.”

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report.
ANALYSIS / RATIONALE FOR RECOMMENDATION
(include Performance Measurement/Benchmarking Data, if applicable)

Significant public consultation took place in preparing the Responsible Animal Ownership By-law during which there was some interest expressed in allowing the feeding of wildlife, while others were opposed.

Wildlife is regulated by the Ministry of Natural Resources (MNR) and the MNR does not support allowing residents to feed wildlife as it increases contact between wildlife and humans which leads to an increased risk of rabies transmission and animals losing their natural fear of humans e.g. coyotes in residential areas. Many partners are involved in keeping the community safe and wildlife protected. The recommended by-law supports the MNR efforts as residents tend to call the City first on any animal issues and complaints about feeding of wildlife can, in most cases, be dealt with more expeditiously by Animal Services staff.

Currently, Animal Services’ two main responsibilities when dealing with wildlife are to respond to and relieve suffering of injured or sick wildlife, and to respond to calls that involve imminent danger to humans regarding wildlife.

Urban expansion is taking place which is leading to increased interaction between humans, their pets and property, and wildlife which can result in undesirable consequences for all. Reputable experts on the behaviour of wildlife advise that the feeding of wildlife is a leading cause of negative interaction between humans, their pets and wildlife.

Staff supports taking steps to provide that interactions between humans, their pets and property are as positive for all concerned as is possible and recommends a by-law banning the feeding of wildlife as attached in Appendix “A” to this Report.

The passing of the proposed by-law will also allow the repeal of By-law No. 02-136 which regulates pigeon pests as these provisions would be included in the recommended by-law.

ALTERNATIVES FOR CONSIDERATION
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A
CORPORATE STRATEGIC PLAN  (Linkage to Desired End Results)


Healthy Community

- An efficient and effective by-law regulating feeding of wildlife contributes to the health and well being of the community.

APPENDICES / SCHEDULES

Appendix “A” to Report PED12097 - By-law to Regulate the Feeding of Wildlife and to Repeal By-law No. 02-136

Appendix “B” to Report PED12097 - Coyote Watch Canada Presentation

SO'D/dt
CITY OF HAMILTON

BY-LAW NO. __________

To Regulate the Feeding of Wildlife and to Repeal By-law No. 02-136

WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001 authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 and 9 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and animals;

AND WHEREAS section 425 of the Municipal Act, 2001 authorizes the City of Hamilton to pass by-laws providing that a person who contravenes a by-law of the City of Hamilton passed under that Act is guilty of an offence;

AND WHEREAS the Municipal Act, 2001 further authorizes the City of Hamilton, amongst other things, to delegate its authority;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

DEFINITIONS

1. In this By-law:
   “animal” means any member of the animal kingdom, other than a human;
   “City” means the municipality the City of Hamilton or the geographic area of the City of Hamilton as the context requires;
   “feed”, in all of its forms, includes the regular or intermittent supply of food, but does not include baiting during lawful activities;
“food” means anything that can be consumed by an animal for sustenance, but does not include:

(a) vegetation or animals that are part of natural environment such as grasses or insects; or

(b) compost kept in accordance with all applicable by-laws, statutes or regulations;

“Officer” means a person appointed by the City of Hamilton or assigned by the Manager of Animal Services to enforce this By-law;

“premises” means a building or a part of a building and any land appurtenant to the building or part of the building and does not include a vacant lot or any premises owned or occupied by the governments of Canada, Ontario, a municipality or by an agency, board or commission of these governments;

“wildlife” means an animal that belongs to a species that is wild by nature, but does not include:

(a) an animal being kept in accordance with the Hamilton Responsible Animal Ownership By-law;

(b) an animal exempted from the Hamilton Responsible Animal Ownership By-law under section 3.2 of that By-law; or

(c) an animal being fed in accordance with:

(i) any by-law, statute or regulation; or

(ii) research undertaken by a university, college or similar provincially or federally recognized research institution.

PROHIBITION

2. No person shall feed or permit the feeding of wildlife.

3.(1) For the purposes of paragraph 3(2)(a) “bird” does not include waterfowl that are wildlife.

(2) Despite section 2, a person may feed or permit the feeding of:

(a) a bird, if:

(i) the bird is fed on premises owned or occupied by the person;

(ii) there is no accumulation of bird feces;

(iii) there is no interference with the normal use or enjoyment of any other premises; or
(b) a feral cat, if the feral cat belongs to a colony of stray or feral cats identified for the purposes of trap, neuter or spay and release programs approved by the Hamilton / Burlington Society for the Prevention of Cruelty to Animals.

ADMINISTRATION AND ENFORCEMENT

4 The Manager of Animal Services is authorized to administer and enforce this By-law.

5. The Manager of Animal Services may assign Officers to enforce this By-law and Officers so assigned or appointed by City Council to enforce this By-law shall have the authority to carry out inspections.

6. The Manager of Animal Services or an Officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the Municipal Act, 2001 for the purpose of carrying out an inspection to determine whether or not this By-law is being complied with.

7. The Manager of Animal Services or an Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the Municipal Act, 2001 where he or she has been prevented or is likely to be prevented from carrying out an inspection under section 6.

8. Every person who fails to comply with section 2 is guilty of an offence and is liable:

(a) on a first conviction, to a maximum fine of not more than $10,000; and

(b) on any subsequent conviction, to a maximum fine of not more than $25,000.

9. Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

10. This By-law may be referred to as the Hamilton Wildlife Feeding By-law or the Wildlife Feeding By-law.

11. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable
from this By-law and it is the intention of City Council that the remainder of the
By-law shall continue to be in force.

REPEAL AND ENACTMENT

12. City By-law No. 02-136 to regulate pigeon pests is repealed.
13. This By-Law shall come into force on the date of its passing.

PASSED this __________ day of __________, 20__.

_________________________   ____________________
R. Bratina                    R. Caterini
Mayor                        City Clerk
COYOTE WATCH CANADA

www.coyotewatchcanada.com
coyotewatchcanada@gmail.com
Coyote hotline 905-931-2610

Coyote Watch Canada has developed a framework for communities working towards sustainable initiatives that foster coyote coexistence policies. Included are documents where you will find key strategies that have proven successful in minimizing negative interactions between urban wildlife, humans and their companion pets.

Living with wildlife and sharing the landscape is enriching and provides many benefits for citizens who enjoy observing nature and spending time outdoors. Coyotes in particular, can navigate throughout urban spaces without ever being observed by the public. Challenges arise when people feed wild animals. Every case involving coyotes that we have investigated in Ontario and other collaborative investigations conducted by wildlife organizations across North America demonstrates that the feeding of a coyote(s) was the number one precursor that escalated a situation into conflict status.

Prevention, education and enforcement are effective components that when put into action, provide the tools necessary to minimize coyote/human conflicts. Communities become engaged when wildlife education and safety measures are readily available and can be supported through by-laws. The enforcement of existing by-laws that address free-roaming pets and the licensing of pets in Hamilton are successful measures but fail to address the feeding of coyotes and other wildlife species.

The importance of implementing a feeding wildlife by-law goes hand in hand with any long term wildlife conservation, safety and public education plan. This is a great opportunity for the City of Hamilton to consider and join other communities that have included this type of preventative by-law enforcement.

Documents provided in this information package are as follows:

1. Investigative Report
2. Media release and spring alert
3. City of Niagara Falls coyote feeding by-law
CITY OF NIAGARA FALLS

By-law No. 2011-37

A by-law to discourage the feeding of coyotes.

WHEREAS coyotes are wild animals native to the Niagara Region;

AND WHEREAS urban expansion is taking place in the Niagara Region, including the City of Niagara Falls, which is leading to increased interaction between humans, their pets and property, and coyotes;

AND WHEREAS interaction between wild coyotes and humans and their pets and property can lead to undesirable consequences for the humans, their pets, their property and for the coyotes;

AND WHEREAS the Council of the Corporation of the City of Niagara Falls wants to take steps to provide that interactions between humans, their pets and property, with coyotes are as positive for all concerned as is possible;

AND WHEREAS the Council has been advised by reputable experts on the behaviour of coyotes, that the feeding of wild coyotes is a leading cause of negative interaction between humans, their pets and property, and coyotes;

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. Purpose

1.1 The purpose of this by-law is to reduce the number of interactions between humans, their pets and property, and coyotes that result in injury or inconvenience to humans, their pets and property.

2. Interpretation

2.1 For the purposes of this by-law:

(a) "coyote" is an animal that is, or appears to be, of the species Canis latrans and any animal that is a cross breed of a member of the species Canis latrans and a domestic dog. The singular of this word shall be deemed to include the plural with all necessary changes in detail;

(b) "feed" includes any manner of providing or delivering, whether passive or active;

(c) "food" includes any matter or thing that can be consumed by a coyote for sustenance;

(d) managing food or an animal feeder in such a way as to attract animals which animals,
in turn, attract a coyote, is deemed to be managing food or an animal feeder in such a manner as to attract a coyote; and

(e) without limiting the generality of the definition of food set out above in this by-law, managing food shall include the disposal of waste, garbage and refuse.

3. Regulations

3.1 No person shall feed a coyote.

3.2 No person shall place, expose or allow to be placed or exposed, food that is consumed by a coyote.

3.3 No person shall manage food or an animal feeder intended to attract or feed animals other than coyotes, in such a manner that the food or feeder attracts a coyote.

4. Offence and Penalty

4.1 Any person who contravenes any regulation of this by-law is guilty of an offence and, upon conviction, is liable to a fine of up to Five Thousand Dollars ($5,000.00).

5. General:

5.1 Each provision of this by-law is independent of all other provisions, and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this by-law remain valid and enforceable.

5.2 Nothing in this by-law relieves a person from complying with any provision of any federal or provincial law or regulation, other by-law, or any requirement of any lawful permit, order or license.

5.3 The short title of this by-law is the Coyote Control By-law.

5.4 This by-law shall come into force and effect on the day it is passed.

Passed this fourth day of April, 2011.

DEAN IORFIDA, CITY CLERK

JAMES M. DIODATI, MAYOR

First Reading: April 4, 2011.
Second Reading: April 4, 2011.
Third Reading: April 4, 2011.
For immediate release    Thursday, March 10, 2011

TO:   Media  FROM:  Coyote Watch Canada

Celebrating Niagara’s Wildlife—SPRING ALERT

As the season’s change, it’s of vital importance to keep residents up to date on wildlife behaviour. The more background we have, the better able we are to protect wildlife, their habitat and keep our families safe and informed. In particular, this update is focused on coyote awareness at this time of year.

Coyotes are very active during the Spring. Choosing a mate, hunting, locating a den site and establishing a territory are just some of the activities that keep coyotes on the move. Because of their natural course of activities, reports of coyote sightings increase during specific times of the year, including Spring and Fall. There are precautions we can take that minimize conflict with wildlife and still celebrate their presence in our landscapes.

Coyotes are highly sociable and curious. They are diligent and devoted parents. A coyote parent will consider a domestic dog a threat to their young pups if a family dog is allowed to chase, harass or disturb a coyote or den area. Respect coyote dens and never interfere with parents and their pups. A lone pup usually has a parent close by.

Keeping the community safe and wildlife protected is a collective undertaking and many partners are involved. Residents have a responsibility as well. Mayor Jim Diodati urges residents to keep informed about coyote behaviour. “It’s important that we follow the municipal by-laws set in place to keep our neighbourhoods safe. Read this information with your family to make sure we’re all doing our best to respect and live in cooperation with the wildlife around us.”

By taking responsibility for our own safety by following pet leash by-laws and not providing food attractants to coyotes, we are able to keep our community members and surrounding wildlife safe. Most of the time, a coyote will run away if a human is in the vicinity.

What to do if you see a coyote:
• Never run from a coyote or a domestic dog. This brings out the ‘chase’ instinct in wild and domestic dogs.
• Stop moving forward.
• Stand still.
• Shout and wave your arms.
• Slowly back away.
• Share the experience. Encouraging thoughtful dialogue about wildlife helps us all take a closer look at what happened, learning from our experiences.

Feeding coyotes can lead to conflicts between people and coyotes or a family pet being attacked. Quick tips for wildlife proofing your home or business:
• Ensure all decks, sheds and out buildings are properly sealed. This will eliminate these target areas for dens.
• Put garbage out after 6:00 am, not the night before (many species are nocturnal and forage for food at night).
• Secure composting containers by making them “animal proof.”
• Clean grills and cook areas, leaving no food items behind.
• Remove unwanted rotting fruit beneath trees.
• Ensure all livestock and outdoor pets are in safe and in properly constructed enclosures.
• Deadstock is disposed of in a timely and appropriate manner.
NEVER FEED COYOTES. Bird feeders, overflowing garbage bins and outdoor pet food bowls may attract coyotes to your yard. Overflowing birdfeeders attract smaller mammals which in turn are a food source for coyotes.

What else can you do?

We encourage the public to continue to report sightings in Niagara Falls online at the City of Niagara Falls website: www.niagarafalls.ca

If you see an injured animal please report your sighting to the "Coyote Response Team Niagara" through the Niagara Falls Humane Society [905.356.4404 or www.nfhs.ca ] and/or Coyote Watch Canada. The "Coyote Response Team Niagara" is also supported by the Niagara Parks Police and the City of Niagara Falls By-Law Department.

For further information, please contact:

Coyote Watch Canada

Lesley Sampson or Jim Brown

coyotewatchcanada@gmail.com
Location: City of Niagara Falls, Father Hennepin School and the surrounding areas

Reason for the Investigation: To Investigate whether coyote sightings reported by the public are a result of human feeding. Coyote Watch Canada offered to complete a site investigation and report our findings to Niagara Falls Mayor Diodati and other community agencies involved in this process.

Dates of site observations- Friday January 7, 2011 4:30pm, Saturday January 8, 2011 11:43am, Sunday January 9, 2011 3:30pm, Monday 10, 2011 after an Interview with CHCH TV at noon

Species Inventory- Completed a ‘walk about’ observation and analysis of tracks
Squirrels, various bird species in particular- crows, sparrows, cardinals, coyote, mice, domestic cats and dogs

NOTE: Confirmed- coyote presence based on tracks (two different sets seen on Friday night), subsequent visits revealed only one set of tracks
• No evidence of an established pack
• No evidence of coyote scat

Field Observations

Landscape: scrub, thorns, and mature trees on private property that back on to a large open field north and east of Father Hennepin School
• Minimal litter (pop can, plastic bag x 2, cardboard box, plastic toys x 3) in surrounding fields
• Established homes (single, townhouse, apartment) public access to large open field,

Human Activities
• Dog walking – six out of six dogs observed were off-leash, out of the six, three were on school property
• cyclist on designated pathway
• snowmobiling through school property and in the adjacent fields, streets

Confirmed coyote attractants
• clear evidence of feeding is taking place on the field side behind homes on Toby Crescent- a variety of animal tracks lead to a recent food site which included cat, birds and a single coyote
• also at the back of 5982 Dunn St. multi-residential complex which is north of the school, several recent food sites were found- animal tracks consisting of squirrel, coyotes, and rodents

Resident shared information with CWC regarding vocalizations
• A resident walking his large dog off-leash in the field in front of Father Hennepin School said he has heard coyotes yipping on two separate occasions
• He said he is not bothered by the presence of coyotes but that he does not take his dog in the field at night.
• We briefly discussed the issues of feeding wildlife and not allowing his dog to consume any food found in the fields
• Tips on what to do if he is approached by a coyote
Summary of findings for Father Hennepin School

During the first site visit Jim Brown and Lesley Sampson of Coyote Watch Canada followed a pair of coyote tracks travelling together. Their tracks went along the residential fence line at the back of the houses on Toby Crescent. There was minimal deviation to the tracks left by their movements meaning that they travelled in a direct line.

Due to the limited daylight our focus was directed back to the immediate areas around the school playground. There were no coyote tracks present. Numerous domestic dog tracks and a snowmobiler were found on the property which would be considered the playground. The playground has limited fencing. One section runs east-west, attached to a section running north-south. The playground area is open which would allow for all wildlife, domestic dogs and community members to pass through.

During the follow up visits, we identified two different locations where feeding is regularly taking place. The first area is behind Toby Crescent (TC) north of Collins Drive. The second area is at the south side of 5982 Dunn Street (D), directly across the northwest corner of the parking lot wall.

Photographs were taken of the remnants of human food such as bread, meat, an orange and seeds found at these feeding spots. In the middle of the field we also found a frozen cabbage head neatly wrapped in a plastic bag. We had concerns about this item of food due to the nature in which it was wrapped and because vigilante activities such as poisoning coyotes is not uncommon. Dogs walked on a leash would minimize the risk of poisoning however, all wildlife (birds included) or roaming cats would be at a greater risk of ingesting tainted or poisoned food.

NOTE: All food items that were found were taken off site and disposed of in a safe manner. All domestic dog feces was also bagged and removed.

We confirm that human feeding is drawing the coyote(s) from their natural habitat east of Allanthus Avenue out into the field in front of the school. The travel patterns of the coyote lead directly to the two locations we identified. There does not seem to be a travel corridor for this coyote past the Dunn St. The coyote completes a loop along the perimeter of the large field before returning to the brush area east of Allanthus Ave.

With the added advantage of the two snowfalls we can conclude that the feedings are taking place well before 10:00 o'clock in the morning. At no time did we see any coyote tracks in or around the school.

Long Term Solutions

- Education initiatives in the schools and the community including safety tips on what to do in case of a coyote or other wildlife encounter, coyote ecology, identifying a coyote
- Fencing for Father Hennepin School
- Wildlife signage for identified areas where wildlife such as coyotes have been sighted
- Take advantage of all forms of media- Press Releases- seasonal behavior announcements
- Municipal Website- Important public resource
Create wildlife sections to include the following points:
- Strategies, education, coyote ecology, safety tips - risks to free-roaming pets besides coyotes, photographs of urban wildlife, wildlife proofing home/business

**Short Term Solutions**

**Education and Investigation Initiatives**
- School newsletter home to parents with wildlife safety facts
- Public service announcements
- Notices in the local media
- Coyote sighting investigations
- Local By-law reminders

**Adverse Conditioning**
- Duration of lime to achieve desired results unpredictable
- Coyote behavior requires a period of adjustment
- Taking away the food incentive
- May result in a viable long term solution

**SUGGESTIONS**
- Conflict Resolution - develop a plan
- Public Education Initiative - preventative measures, partnerships, factual information
- Wildlife section on the city website - include photographs of urban wildlife
- Create a city hotline for reporting coyote sightings - school science projects, community involvement
- Brochure - Urban Wildlife Facts
- Minimize attractants for coyotes - put out garbage and green boxes in the morning
- Highlight current leash bylaws/Dog Owners Liability Act
- Consider a Feeding Wildlife By-Law
- BI-Annual reminder in the press about coyote ecology - spring/winter more sightings due to landscape and changes in pack dynamics
- Positive wildlife appreciation begins with education
- COYOTE WATCH CANADA created and applies the “PAWS APPROACH” (PREVENTION APPRECIATION WILDLIFE SAFETY)

Jim Brown and Lesley Sampson of Coyote Watch Canada are willing to work with the City of Niagara Falls along with Mayor Diodati, council and staff on any future wildlife issues and education initiatives. Further to this report, we will also continue to monitor the site as needed.
November 14, 2011

To Whom it May Concern:

I am pleased to provide this letter of support and recommendation for Lesley Sampson and Coyote Watch Canada. This volunteer organization has been invaluable in assisting municipal staff in dealing with issues of coyotes in urban areas of the city.

Last year around Christmas time, the local media had stories of coyote sightings in the vicinity of a local school and residential area. Needless to say, these sightings caused some concern. In order to stave off any public hysteria, the City enlisted the efforts of Coyote Watch Canada, a non-profit organization which is dedicated to providing education and research about the Eastern Coyote.

Through a systematic public information program, which included passing an anti-feeding bylaw and website sighting form, staff was able to quell fears and educate the public. We would not have been able to do this without Coyote Watch Canada. Volunteers gathered information, identified sources through field observations, provided tips and strategies to the public and met with residents and community stakeholders. In almost every instance, it was the presence of feeding and food stuffs left by humans that lead to coyote issues.

I would be remiss if I did not make a special note of the efforts of Lesley Sampson. She has been a tireless advocate on this issue, responding to city staff requests on a moment's notice. She has been an invaluable resource to the City of Niagara Falls.

I encourage any other municipality that has issues with coyotes in urban areas to adopt the same strategies that the City of Niagara Falls undertook. These efforts would not have been possible without the valued assistance of Coyote Watch Canada.

If you have any questions, feel free to contact me.

Sincerely,

[Signature]

Dean Iorfida
City Clerk