



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Darren Lees
Manager, Protective Services

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: September 6, 2022
REPORT DATE: August 16, 2022
FILE: 4000-02-2022

SUBJECT: REGULATIONS PROHIBITING THE FEEDING OF WILDLIFE

PURPOSE:

To develop regulations that prohibit the feeding of wildlife within City limits to protect and sustain healthy area wildlife populations from unintended negative consequences, to protect private property from damage by wildlife and to reduce the potential for human-wildlife conflict.

RECOMMENDATION:

THAT Bylaw 5922, "Animal Regulation and Animal Pound (Prohibition Against Feeding Wildlife) Amendment Bylaw No. 5922, 2022" be given First, Second and Third Reading as presented this 6th day of September, 2022;

AND FURTHER THAT Bylaw 5923, "Bylaw Notice Enforcement (Prohibition Against Feeding Wildlife) Amendment Bylaw No. 5923, 2022" be given First, Second and Third Reading as presented this 6th day of September, 2022;

AND FURTHER THAT Bylaw 5924, "Municipal Ticket Information (Prohibition Against Feeding Wildlife) Amendment Bylaw No. 5924, 2022" be given First, Second and Third Reading as presented this 6th day of September, 2022;

ALTERNATIVES & IMPLICATIONS:

1. THAT Council approve amendments to the Animal Regulation and Animal Pound Bylaw #5252 to prohibit the feeding of wildlife throughout the City of Vernon as attached to the report titled "Regulations Prohibiting the Feeding of Wildlife", dated August 16, 2022 and respectfully submitted by the Manager, Protective Services, with the following amendments (*to be cited by Council*).

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. As the City of Vernon is surrounded by wildlife habitat and intersected by wildlife corridors connecting parks and natural areas throughout many neighbourhoods, the City is home to a variety of urban wildlife such as deer, cougar, bear, coyote, raccoon and other animals.

2. As per Section 2(1) of the Provincial Wildlife Act, "Ownership" of all wildlife in British Columbia is vested with the Province. As per provincial legislation, a person may feed or attract wildlife, but a person may not feed "dangerous wildlife." The Wildlife Act defines "dangerous wildlife" as bear, cougar, coyote or wolf. A Provincial Conservation Officer Service will only respond to calls for service where dangerous wildlife is involved.
3. Several area residents choose to feed wildlife throughout the year leaving out food and attractants. Although it is generally not a contravention of the Provincial Wildlife Act, intentionally feeding wildlife can have many unintended negative consequences including habituation of wildlife, behavioural changes, attracting large numbers of animals, presenting an increased risk and spread of disease among animals, disrupting animal movement patterns, creating a dependency on the artificial food source and attracting other wildlife such as rodents or larger predators. The practice may also cause damage to private property by wildlife and increase the potential for human-wildlife conflict.
4. To prohibit residents from intentionally feeding wildlife, many adjacent municipalities including Enderby, Armstrong, Kelowna and Penticton have implemented regulations that prohibit a person from feeding or attempting to feed any wildlife or to leave or place an attractant that could attract wildlife to a property.
5. Many municipalities also have regulations that set out specific requirements for property owners regarding management of potential wildlife attractants such as storage of fruit or nuts from a tree, bird feeder location including the management of any fallen seed below the feeder and to ensure that composting, barbecue equipment and tools, grease, antifreeze, paint, and outdoor refrigerator/freezers that may contain animal attractants are inaccessible to wildlife.
6. Regulations prohibiting the feeding of wildlife throughout the City would be investigated and applied on a complaint basis with education as the preferred method to gain compliance. Officers would proceed with progressive enforcement should an offence continue.

C. Attachments:

1. Animal Regulation and Animal Pound Bylaw #5252 (Attachment 1)
2. Bylaw Notice Offence Bylaw #5250 (Attachment 2)
3. Municipal Ticket Information Bylaw #5300 (Attachment 3)

D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:

The Regulations Prohibiting the Feeding of Wildlife involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

➤ N/A

E. Relevant Policy/Bylaws/Resolutions:

1. At their Regular meeting held on Monday, August 15, 2022, Council passed the following resolution:

"THAT Council direct Administration to develop bylaw regulations for Council's consideration that prohibit the feeding of wildlife within the City of Vernon as outlined in the memorandum titled "Regulations Prohibiting the Feeding of Wildlife", dated July 27, 2022 and respectfully submitted by the Manager, Protective Services."

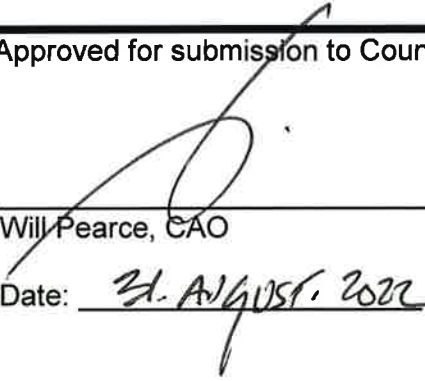
BUDGET/RESOURCE IMPLICATIONS:

Bylaw Compliance officers will respond to calls for service regarding feeding of wildlife on a complaint basis.

Prepared by:

Approved for submission to Council:


Darren Lees
Manager, Protective Services


Will Pearce, CAO

Date: 31. AUGUST. 2022


Kevin Poole
Director, Community Safety, Lands and Administration

REVIEWED WITH

- | | | |
|---|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input type="checkbox"/> COMMITTEE: | | |
| <input type="checkbox"/> OTHER: | | |

Corporate Officer

SCHEDULE “1”
Attached to and forming part of
Animal Regulation and Animal Pound (Prohibitions Against Feeding Wildlife)
Amendment Bylaw Number 5922, 2022

1. DEFINITIONS

In this bylaw, unless the context otherwise requires:

“**Animal**” means any member of the Kingdom Animalia regulated by this Bylaw, but does not include canines, companion animals, animals regulated under the *Wildlife Act* RSBC 1996, c.488, or humans;

“**At Large**” means being any place, including on a highway, Public Place, or on private property other than the property belonging to the Owner or other person with custody, care, or control of the Dog, and not securely leashed or tethered, and not under the direct, continuous, and effective control of the Owner or person having custody, care, or control of the dog. (*Bylaw 5749*)

“**Attractant**” has the meaning prescribed in the *Wildlife Act* RSBC 1996 c.488.

“**Bee**” or “**Bees**” means the insect *Apis mellifera*, commonly referred to as the western honey bee or the European Honey bee;

“**Bee Regulation**” means the *Bee Regulation* of the *Animal Health Act*, RSBC 2015;

“**Beehive**” means a box or receptacle with movable frames, used for housing a colony of bees;

“**Beekeeper**” means a person who owns or controls bees or beehive or beekeeping equipment;

“**Colony**” means queen, brood and accompanying bees;

“**Brand Inspector**” means any Inspector appointed under the *Livestock Identification Act*, RSBC 1996, c.271 as amended from time to time;

“**Cattle**” means any bull, cow, ox, heifer, steer or calf;

“**Chicken Tractor**” means a partially screened, partially enclosed, bottomless cage allowing the secure containment of up to four hens. The cage will be equipped with wheels allowing movement about a property, and will be large enough to ensure that the hens, and watering containers may be reasonably enclosed. (*Bylaw 5611*)

SCHEDULE “1”
Attached to and forming part of
Animal Regulation and Animal Pound (Prohibitions Against Feeding Wildlife)
Amendment Bylaw Number 5922, 2022

“Companion Animal” means any species of cats, dogs, rabbits, guinea pigs, rodents, reptiles or **Mini Pigs** able to be accommodated within a premise as part of the household but does not include controlled alien species except as regulated under the *Wildlife Act* RSBC 1996, c.488 as amended from time to time; (*Bylaw 5611*)

“Clerk or designate” means the Manager, Protective Services, Corporate Officer, or any other staff member tasked by Council with the keeping of the **Urban Hen** registry, the **Mini Pig** registry and the issuance of permits for the keeping of Pigeons. (*Bylaw 5611*)

“Day” means a business day and does not include Sundays or Statutory Holidays;

“Director of Finance” means the Director of Finance of the City, or in his or her absence, the deputy Director of Finance, or another person designated by resolution of Council to act in the place of the Director of Finance;

“Farm Operation” has the meaning in the *Farm Practices Protection (Right to Farm) Act* RSBC 1996 c.131.

“Feral Animal” means any Animal ordinarily kept as a Companion Animal or for agricultural purposes, but which has no actual or apparent Owner.

“Horse” means any horse, mare, gelding, colt, filly, ass, donkey, mule or hinny;.

“Impounded” means seized, delivered, received, or taken into the Pound or in the custody of the Poundkeeper as provided herein;

“Lot” means the smallest unit into which land is designated as a separate and distinct parcel on a legally recorded plan or description filed in the Land Title Office;

“Mini Pigs” means a swine or a cross bred offspring of any of the following breeds; Vietnamese Potbellied Pig, Juliana Pigs, Guinea Hogs, Ossabaw Island Pigs, Kune Kune Pigs, Gottingen Mini Pig, Hanford Mini Swine or Mexican Yucatan Pigs, kept for companion animal purposes. (*Bylaw 5611*)

“Obstruct” means to wilfully interfere with, resist or hinder with the Poundkeeper in the lawful execution of their duties. (*Bylaw 5749*)

SCHEDULE “1”
Attached to and forming part of
Animal Regulation and Animal Pound (Prohibitions Against Feeding Wildlife)
Amendment Bylaw Number 5922, 2022

“Other Large Animals” includes stud horses, bulls, rams of service age, llamas, ratites, emus, ostriches and other large animals but does not include horses, cattle, swine, sheep, rabbits, or poultry;

“Owner” means any person, partnership, association or corporation that, temporarily or permanently:

- (a) owns, possesses or has control, care or custody over an animal; .
- (b) harbours, shelters, permits or allows an animal to remain on or about that person's land or premises; or
- (c) is the custodial parent or legal guardian of a child under the age of 18 years who owns, is in possession of, or has the care or control of an animal;

“Owned” means owning, possessing, or having control, care or custody over an animal on a permanent or temporary basis;

“Person” means an individual but shall be construed as meaning the plural, masculine, feminine, body politic or corporate where the context may require;

“Poultry” means any domestic bird, including chickens, roosters, turkeys, geese, ducks, pigeons, or game birds, owned for any purpose, but does not include urban hens;

“Pound” means any building, enclosure or place established as such by the Council under section 3 of this bylaw for the keeping of animals impounded under this bylaw;

“Poundkeeper” means the person designated by resolution of Council for the purpose of enforcing and carrying out the provisions of this bylaw, and shall include any assistant poundkeeper or bylaw enforcement officer designated by resolution of Council;

“Rabbit” means any domestic rabbit, including rabbits kept as domestic pets, farm animals, or feral rabbits;

“Rabbit Warren” means any site where rabbits tunnel, or a site which harbours rabbits;

“Sheep” means any domestic ewe, ram, lamb, goat or camelid;

“Structure” means any building, shed, stable, or other type of housing used for the shelter or enclosure of animals;

SCHEDULE “1”
Attached to and forming part of
Animal Regulation and Animal Pound (Prohibitions Against Feeding Wildlife)
Amendment Bylaw Number 5922, 2022

“**Swine**” means any domesticated boar, sow, or piglet but does not include **Mini Pigs** as defined in this bylaw kept as a **companion animal**; (*Bylaw 5611*)

“**Urban Hen**” means domesticated female chickens that are at least four months old that are kept on a property other than an agricultural use as defined in the Zoning Bylaw and are as regulated under the provisions of Schedule A of this bylaw.

“**Urban Beekeeping**” means the keeping and management of bees for hobby purposes;

“**Wildlife**” has the meaning prescribed in the *Wildlife Act* RSBC 1996 c.488.

“**Zone**” or “**Zones**” shall have the same meaning and classification as defined and identified in the Zoning Bylaw.

“**Zoning Bylaw**” means the City’s *Zoning Bylaw* No. 5000 as amended or replaced from time to time.

SCHEDULE “2”
Attached to and forming part of
Animal Regulation and Animal Pound (Prohibitions Against Feeding Wildlife)
Amendment Bylaw Number 5922, 2022

SCHEDULE ‘G’
Attached to and Forming Part of
Animal Regulation and Animal Pound Bylaw Number 5252, 2010

PROHIBITION AGAINST FEEDING WILDLIFE

1. Except as permitted in this Bylaw no person shall:
 - a. feed or attempt to feed any Wildlife or a **Feral Animal** or;
 - b. provide, leave or place an **Attractant** in, on or about any land or premises where there are or where there are likely to be people with the intent of attracting any Wildlife or a **Feral Animal** or;
 - c. leave or place an **Attractant** in, on or about any land or premises where there are or where there are likely to be people, in a manner in which the **Attractant** could attract Wildlife or a **Feral Animal** to the land or premises.
 - d. Every owner or occupier of real property shall ensure that:
 - i. any fruit or nuts from a tree, bush or shrub is maintained and stored in such a manner so as not to attract Wildlife;
 - ii. any bird feeder containing bird feed, suet or nectar is suspended on a cable or other device in such a manner that it is inaccessible to Wildlife; and the area below any bird feeding devices or activity is kept free of accumulations of seeds and similar **Attractant**;
 - iii. any composting activity is carried out and any composting device or equipment is maintained in such a manner that it is inaccessible to Wildlife;
 - iv. barbecue equipment and tools that remain outside must be clean and free of residual food or grease;
 - v. any refrigerator, freezer, storage container or similar appliance, device or apparatus that contains **Attractant** of any type, if placed or located outdoors, is located and equipped in such a manner that it is inaccessible to Wildlife; and
 - vi. any grease, antifreeze, paint or petroleum product is stored in such a manner that it is inaccessible to Wildlife
2. For certainty, the prohibitions listed in section 1 of this Schedule do not apply in relation to:
 - a. **Farm Operations**;
 - b. any plant material or vegetation growing on property, including natural vegetation, personal gardens, ornamental plants or flowers and products grown for an agricultural purpose, but excluding fruit and agricultural products which have fallen or been harvested from their plants;
 - c. Bird feeders provided that they comply with Schedule G Section 1(d)(ii).

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5923

A bylaw to amend "Bylaw Notice Enforcement Bylaw Number 5250, 2011"

WHEREAS the Corporation of the City of Vernon has deemed it necessary to amend the "Bylaw Notice Enforcement Bylaw Number 5250, 2011".

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as the **"Bylaw Notice Enforcement (Prohibitions Against Feeding Wildlife) Amendment Bylaw 5923, 2022"**.
2. Bylaw Notice Enforcement Bylaw Number 5250, 2011 is hereby amended as follows:
 - (a) **SCHEDULE A, DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES, Animal Regulation and Animal Pound Bylaw** as shown in **RED** on attached Schedule '1' forming part of this bylaw; and
 - (b) "Municipal Ticketing Information Bylaw Number 5300, 2011" is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this	day of	, 2022
READ A SECOND TIME this	day of	, 2022
READ A THIRD TIME this	day of	, 2022
ADOPTED this	day of	, 2022

Mayor:

Corporate Officer

SCHEDULE "1"

Attached to and forming part of

Bylaw Notice Enforcement (Prohibitions Against Feeding Wildlife) Amendment Bylaw 5923, 2022

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Animal Regulation and Animal Pound Bylaw						
5252	2(a)	Illegal Keeping of Animals	\$100.00	\$75.00	\$110.00	YES
5252	2(b)	To many companion animals	\$ 50.00	\$25.00	\$60.00	YES
5252	2(c)	To many agricultural animals	\$100.00	\$75.00	\$110.00	YES
5252	2(f)	Unenclosed Animals	\$200.00	\$175.00	\$225.00	YES
5252	2(h)	Keeping of non-Farm Swine	\$100.00	\$75.00	\$110.00	YES
5252	2(j)	Unconfined Rabbit	\$ 50.00	\$25.00	\$60.00	YES
5252	2(k)	Sell or Give Unaltered Rabbits	\$100.00	\$90.00	\$110.00	YES
5252	2(l)	Failure to remove Rabbit Warren	\$150.00	\$125.00	\$175.00	YES
5252	2(m)	Animal at Large – Public Property	\$200.00	\$175.00	\$225.00	YES
5252	2(n)	Animal at Large – Private Property	\$200.00	\$175.00	\$225.00	YES
5252	9(b)	Obstruct Poundkeeper	\$500.00	\$500.00	\$500.00	NO
5252	Schedule B(1)	Urban Hen at Large	\$ 50.00	\$25.00	\$60.00	YES
5252	Schedule B(2)	Illegal Keeping of Rooster	\$100.00	\$75.00	\$110.00	YES
5252	Schedule B(2)	Keeping of more than 3 Hens	\$ 75.00	\$50.00	\$85.00	YES
5252	Schedule B(7)	Improper Coop	\$100.00	\$75.00	\$110.00	YES

SCHEDULE "1"

Attached to and forming part of

Bylaw Notice Enforcement (Prohibitions Against Feeding Wildlife) Amendment Bylaw 5923, 2022

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
5252	Schedule B(9)	Illegal Slaughter	\$100.00	\$75.00	\$110.00	YES
5252	Schedule B(10)	Unhygienic Storage or Accumulation	\$ 50.00	\$25.00	\$60.00	YES
5252	Schedule B(12)	No Urban Hen License	\$ 50.00	\$25.00	\$60.00	YES
5252	Schedule C(1)	No Pigeon Keeping Permit	\$ 50.00	\$25.00	\$60.00	YES
5252	Schedule G(1)(a)	Purposely Feed Wildlife or Feral Animal	\$375.00	\$350.00	\$400.00	NO
5252	Schedule G(1)(b)	Purposely Place or Leave Attractant	\$375.00	\$350.00	\$400.00	NO
5252	Schedule G(1)(c)	Fail to Manage Attractant	\$100.00	\$80.00	\$110.00	YES

SCHEDULE “1”
Attached to and forming part of
Municipal Ticketing Information (Prohibitions Against Feeding Wildlife) Amendment Bylaw 5924, 2022

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty
Animal Regulation and Animal Pound Bylaw				
5252	2(a)	Obstruct Officer – Inspection	\$1,000.00	\$1,000.00
5252	2(b)	Obstruct Officer – Identification	\$1,000.00	\$1,000.00
5252	3(a)	Illegal Keeping of Animals	\$250.00	\$200.00
5252	3(b)	Too many companion animals	\$150.00	\$100.00
5252	3(c)	Too many agricultural animals	\$250.00	\$200.00
5252	3(f)	Unenclosed Animals	\$350.00	\$300.00
5252	3(h)	Keeping of non-Farm Swine	\$250.00	\$200.00
5252	3(j)	Unconfined Rabbit	\$150.00	\$125.00
5252	3(k)	Sell or Give Unaltered Rabbits	\$250.00	\$200.00
5252	3(l)	Failure to remove Rabbit Warren	\$300.00	\$250.00
5252	3(m)	Animal at Large – Public Property	\$400.00	\$375.00
5252	3(n)	Animal at Large – Private Property	\$400.00	\$375.00
5252	4(a)(i)	Fail to provide potable drinking water	\$200.00	\$175.00
5252	4(a)(ii)	Fail to provide appropriate food	\$200.00	\$175.00
5252	4(a)(iii)	Fail to provide clean food and water receptacles	\$200.00	\$175.00
5252	4(a)(iv)	Fail to provide regularly cleaned and sanitized shelter	\$200.00	\$175.00
5252	4(a)(v)	Fail to provide sufficient exercise	\$200.00	\$175.00
5252	4(a)(vi)	Fail to provide veterinarian care – pain, suffer, disease	\$400.00	\$375.00
5252	4(b)	Confined animal – Heat	\$400.00	\$375.00
5252	4(c)	Confined animal – Cold	\$400.00	\$375.00
5252	4(d)	Abandon animal	\$500.00	\$475.00
5252	4(e)	Fail to provide adequate tether	\$200.00	\$175.00

SCHEDULE "1"

Attached to and forming part of

Municipal Ticketing Information (Prohibitions Against Feeding Wildlife) Amendment Bylaw 5924, 2022

5252	4(f)	Tethered in excess 4 hours	\$200.00	\$175.00
5252	11(b)	Obstruct Officer	\$1,000.00	\$1,000.00
5252	Schedule A(1)	Urban Hen at Large	\$150.00	\$100.00
5252	Schedule A(2)	Illegal Keeping of Rooster	\$250.00	\$200.00
5252	Schedule A(2)	Keeping of more than 3 Hens	\$200.00	\$150.00
5252	Schedule A(7)	Improper Coop	\$250.00	\$200.00
5252	Schedule A(9)	Illegal Slaughter	\$250.00	\$200.00
5252	Schedule A(10)	Unhygienic Storage or Accumulation	\$150.00	\$100.00
5252	Schedule A(12)	No Urban Hen Licence	\$150.00	\$100.00
5252	Schedule B(1)	No Pigeon Keeping Permit	\$150.00	\$100.00
5252	Schedule B(4c)	Illegally Sited Loft	\$150.00	\$100.00
5252	Schedule C(1)	Mini Pig at Large	\$150.00	\$100.00
5252	Schedule C(2)	Failure to Register	\$150.00	\$100.00
5252	Schedule C(3)	Failure to Spay or Neuter	\$150.00	\$100.00
5252	Schedule C(4)	Over limit of 2 Mini Pigs	\$150.00	\$100.00
5252	Schedule C(5)	Property unable to accommodate	\$150.00	\$100.00
5252	Schedule C(6)	Illegal Pen or Shelter	\$150.00	\$100.00
5252	Schedule C(7)	Unsanitary Yard/Premise	\$150.00	\$100.00
5252	Schedule C(9)	Uncontrolled Noise from Mini Pig	\$150.00	\$100.00
5252	Schedule F	Failure to comply with Urban Beekeeping Regulations	\$150.00	\$100.00
5252	Schedule G(1)(a)	Purposely Feed Wildlife or Feral Animal	\$500.00	\$470.00

SCHEDULE “1”**Attached to and forming part of****Municipal Ticketing Information (Prohibitions Against Feeding Wildlife) Amendment Bylaw 5924, 2022**

5252	Schedule G(1)(b)	Purposely Place or Leave Attractant	\$500.00	\$475.00
5252	Schedule G(1)(c)	Fail to Manage Attractant	\$200.00	\$175.00