
TO: CITY MANAGER **DATE:** 2009 June 05

FROM: DIRECTOR PARKS, RECREATION & CULTURAL SERVICES

SUBJECT: WILDLIFE AND BIRD FEEDING DELEGATION - 2009 JUNE 01

PURPOSE: To respond to Council's request for information regarding the feeding of birds along the Beresford Park strip.

RECOMMENDATION:

1. **THAT** the Burnaby Parks Regulation Bylaw be amended as outlined in this report.
2. **THAT** the Burnaby Bylaw Notice Enforcement Bylaw be amended as outlined in this report.
3. **THAT** a copy of this report be forwarded to: Wildlife and Bird Feeding Committee, c/o Mr. Ted Norcott, 7381 Hawthorne Terrace, Burnaby, B.C. V5E 4N1.

REPORT

Council at its meeting of 2009 June 01 heard a delegation from the Wildlife and Bird Feeding Committee about the excessive feeding of birds along the Beresford Park strip.

Arising from consideration of the delegation's presentation, Council requested a staff report on a solution to the concerns raised.

Background

Staff were first contacted this year on May 04 by telephone about excessive bird feeding taking place on the Beresford Park strip. Staff reviewed the situation on site and arranged for signage on May 08 asking persons not to feed the birds.

On May 13 as a result of further complaints, Parks staff met with the bird feeder on site and discussed the situation with her. At that time, the bird feeder stated that she would cease feeding the birds when she ran out of her supply of seeds. During the week of May 25, the bird feeder contacted Parks staff by telephone and advised she had run out of seeds and would not be feeding the birds any more. Subsequently, reports have been received about the practice continuing.

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As a result of continued complaints from residents in the area, staff have now proceeded with issuing the first compliance letter to the bird feeder and are monitoring the situation through observation and additional complaints received.

Parks Regulation Bylaw

The Burnaby Parks Regulation Bylaw 1979 does not currently prohibit the feeding of birds in City Parks.

Staff feel that an amendment to the Parks Regulation Bylaw would be the most effective way to deal with this issue. It is suggested that bird feeding on a scale that causes a nuisance or interrupts the quiet enjoyment of a park be prohibited. In this way, only those who feed birds in a way that negatively impacts the community will be affected.

Most complaints about this type of nuisance activity can continue to be resolved through voluntary compliance. However, the proposed amendment will provide an enforcement tool for those people who feed birds on a larger scale and interfere negatively with the quality of life of surrounding residents.

Adjacent Jurisdictions

Surrounding areas were contacted about their experiences with similar problems and asked for details about their bylaws and enforcement practices.

Richmond has not had a significant problem within the City but did have one ongoing complaint that could not be resolved as there was no specific bylaw that prohibited the feeding of birds. Richmond introduced an amendment bylaw to regulate the nuisance caused by the feeding of birds.

North Vancouver, Surrey and Chilliwack have specific provisions in their bylaws prohibiting the feeding of birds, animals, wildlife or aquatic species while the City of Vancouver prohibits the deposit of food or grain except in litter cans provided.

The remaining areas surveyed (Port Moody, Coquitlam, West Vancouver and Langley) have no specific bylaws regarding bird feeding and generally rely on voluntary compliance and public education through discussion with staff.

Burnaby Bylaw Notice Enforcement Bylaw

Currently before Council for final adoption is the Burnaby Bylaw Notice Enforcement Bylaw which will enable the creation of a simple, cost effective system for enforcing minor bylaw infractions. This will give authority to specified staff to issue bylaw notices (tickets), outlines a system for dispute adjudication and a process for collection of outstanding fines.

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Staff feel that the most appropriate way to deal with this incident is through the new Enforcement Bylaw. This bylaw references specific articles in the Parks Regulation Bylaw for enforcement. In order to allow for this, an amendment will be required to the Enforcement Bylaw.

Conclusion

The Parks Regulation Bylaw does not contain any specific reference to the feeding of wildlife and staff have been successful through the years by the use of public education and voluntary compliance by residents. In order to effectively deal with the feeding of wildlife, the Parks Regulation Bylaw must be amended to include this item.

After the Parks Regulation Bylaw has been amended, it will be necessary to amend the Burnaby Bylaw Notice Enforcement Bylaw to properly cover this circumstance and provide for effective enforcement in the future.



Dave Ellenwood
DIRECTOR PARKS, RECREATION & CULTURAL SERVICES

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cc: City Solicitor