

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 061-2024

A By-law of The Corporation of the City of Vaughan to amend Business Licensing By-law 122-2022, as amended, to create a Wildlife Removal Company Licence.

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, ("*Municipal Act*") provides that a by-law under section 10 and 11 of the *Municipal Act* may regulate or prohibit, require persons to do things, and provide for a system of licences respecting a matter;

AND WHEREAS subsection 11(3) of the *Municipal Act* sets out that a lower-tier municipality may pass by-laws with respect to business licensing;

AND WHEREAS section 151(1) of the *Municipal Act* provides that a municipality may provide for a system of licences with respect to a business;

AND WHEREAS Council has determined that it is desirable to make amendments to Business Licensing By-law 122-2022, as amended, and to introduce a new type of licence for wildlife removal companies;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That Business Licensing By-law 122-2022, as amended, be further amended by adding the following definitions to Part 3.0 in alphabetical order:

"Wildlife" means an animal that belongs to a species that is wild by nature of that particular region and includes human introduced game wildlife and specially protected wildlife;

"Wildlife Removal Company" means a *Licensed* company which removes *Wildlife* from areas that are not in their normal or usual habitat or causing a nuisance;

"Wildlife Removal Company Owner" means a Person who alone or with others Owns and/or has the ultimate control over and/or who directs the operation of the business, activity or undertaking carried out by a Wildlife Removal Company;

2. That Business Licensing By-law 122-2022, as amended, be further amended by

adding **Part 16.2 Wildlife Removal Companies** to read as follows:

Part 16.2 Wildlife Removal Companies

- (1) In addition to the requirements set out in Part 4.2, every application for a *Wildlife Removal Company Licence* shall include:
 - (a) proof, satisfactory to the *Chief Licensing Officer*, that every employee or other *Person* under the *Applicant's* charge is insured in accordance with the *Workplace Safety and Insurance Act, 1997*, S.O. 1997, c. 16, as amended;
 - (b) a photograph of the *Applicant* taken within thirty (30) days prior to the *Licence* application, such that the photograph is a clear likeness of the *Applicant*, and where the *Applicant* is a:
 - (i) *Sole Proprietorship*, such photograph shall be of the sole proprietor;
 - (ii) *Partnership*, such photograph shall be taken of at least one of the partners;
 - (iii) *Corporation*, such photograph shall be taken of at least one of the directors or officers of the *Corporation*;
 - (c) a complete Police Criminal Records Check issued by an *Ontario Police Service*, dated not more than ninety (90) days prior to the date application for the *Applicant*, and each employee of the *Applicant*; and
 - (d) a map indicating service area.
- (2) In addition to the requirements set out in Part 4.2, every application for a *Wildlife Removal Company Licence* shall include, by way of certificate of insurance satisfactory to the *Chief Licensing Officer*, proof of a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage.
- (3) Every *Applicant* for a *Wildlife Removal Company* shall register each vehicle used in the business by filing a list indicating for each vehicle, the make, model, year and the provincial vehicle plate number. In case of change of the information pertaining to the vehicles used in the business,

such changes should be submitted to the *Chief Licensing Officer* in a form satisfactory to the *Chief Licensing Officer*.

- (4) Every *Wildlife Removal Company* shall ensure that every vehicle actively used in connection with the business, with the exception of a personal vehicle used only for the purposes of visiting a work site to meet a *Customer* or provide a quote, shall have visibly displayed on the dashboard a placard identifying the business name and *City Licence* number in a form satisfactory to the *Chief Licensing Officer*.
- (5) Placards, as provided for in section 16.2(4) are only transferable to other vehicles used primarily in connection with the business, but does not include any vehicles belonging to or used in connection with any sub-contractors of the business.
- (6) Vehicle *Licensing* placards are subject to the fees set out in *Fees and Charges By-law*, as amended, or its successor by-law.
- (7) Every *Wildlife Removal Company* shall ensure all vehicles actively used in connection with the business are equipped with working and adequate temperature control measures and ventilation to prevent distress to *Wildlife* being contained therein.
- (8) Every *Wildlife Removal Company* shall ensure that all vehicles actively used in connection with the business are equipped with adequate measures to contain and segregate *Wildlife* from coming in to contact with any other animal or human occupant of the vehicle.
- (9) Every *Wildlife Removal Company* shall ensure that all animals contained in a vehicle used in connection with the business are contained within a primary enclosure within the vehicle.
- (10) Every *Wildlife Removal Company* shall ensure that its employees wear identification or an article of clothing which identifies them as an employee of the company when responding to a call for service.
- (11) Every *Wildlife Removal Company* shall include its corresponding *City Licence* number on all of its outdoor *Sign* or other advertising or

promotional device used in the *City* and shall comply with the *City's* Sign By-law, as amended or its successor by-law.

- (12) When a *Wildlife Removal Company* has been made aware of or has witnessed any bites or injuries caused to a *Person* by *Wildlife* that results in breakage of skin, such information must be reported by the *Wildlife Removal Company* to local public health unit and Vaughan Animal Services within 24 hours.
- (13) When a *Wildlife Removal Company* has been made aware of or has witnessed any bites on injuries caused to a domestic animal by *Wildlife*, such information must be reported to Vaughan Animal Services within 24 hours.
- (14) Every *Applicant* for a *Wildlife Removal Company Licence* shall, at the time of initial application and upon every renewal, provide a detailed log for the preceding year, in accordance with section 16.2(28) satisfactory to the *Chief Licensing Officer*.
- (15) Prior to accepting any payment from a *Customer* or commencing any work for a *Customer*, a *Wildlife Removal Company* shall provide a written contract to said *Customer*, specifying the work to be performed and the schedule of payment and such contract shall be signed by the *Wildlife Removal Company* and presented to the *Customer* for acceptance and signature.
- (16) Prior to providing a written contract pursuant to section 16.2(15), a *Wildlife Removal Company* shall inform the *Customer* in writing of all local by-laws that affect or may affect the proposed *Services* and shall also inform the *Customer* in writing of any permits required by the *City*. For greater clarity, this information shall be provided in a communication separate and apart from the contract.
- (17) No *Wildlife Removal Company* shall release an animal more than one (1) kilometer away from the capture location.

- (18) No *Wildlife Removal Company* shall release an animal to any other *Person* other than a Province of Ontario authorized *Wildlife* rehabilitator or Vaughan Animal Services.
- (19) Every *Applicant* for a *Wildlife Removal Company Licence* shall, at the time of initial application, upon request by the *City*, or if any changes are made to the policies and procedures referred to hereafter, submit copies of all policies and procedures pertaining to the trapping, care, transfer, euthanasia and release of *Wildlife*, to the satisfaction of the *Chief Licensing Officer*, including the following:
- (a) euthanasia, including methods, circumstances, and disposal;
 - (b) disposal of carcasses;
 - (c) cleaning and disinfection of vehicles and traps, including specific details regarding products, frequency and biohazard protocols;
 - (d) personal protective equipment requirements for staff;
 - (e) bite and injury protocol for staff and the public.
- (20) Every *Applicant* for a *Wildlife Removal Company Licence* shall provide, at the time of initial application, upon every renewal, and at any time as requested by the *City* a list of all staff employed by the company.
- (21) No *Wildlife Removal Company Owner* or employee shall use or permit the use of body-gripping traps, leg-hold traps, or any other traps prohibited under the *Fish and Wildlife Conservation Act, 1997* for the purpose of trapping *Wildlife*.
- (22) Notwithstanding section 16.2(21), it does not apply to individuals licensed to use such devices under the *Fish and Wildlife Conservation Act, 1997*.
- (23) No *Wildlife Removal Company Owner* or employee shall use or permit the use of glue board traps.
- (24) Notwithstanding section 16.2(23), it does not apply if the intent is to use glue board traps to capture insects or vermin.
- (25) No *Wildlife Removal Company Owner* or employee shall permit an animal to be in distress while in a trap or otherwise contained.

- (26) All *Wildlife Removal Company Owners* shall ensure that all traps and nest boxes are checked at minimum every eight (8) hours and any captured *Wildlife* is released within one (1) hour of discovery.
- (27) No *Wildlife Removal Company Owner* or employee shall use or permit the use of noxious or poisonous chemicals or substances to subdue or aid in the removal of *Wildlife*.
- (28) *Wildlife Removal Company Owners* must maintain logs pertaining to each *Wildlife* capture and/or removal for a minimum of one (1) year, including:
- (a) the location of the capture and/or removal;
 - (b) date of capture/removal;
 - (c) common name of the *Wildlife* captured and/or removed;
 - (d) gender and age class of *Wildlife*;
 - (e) bands or tags on *Wildlife*;
 - (f) description of all nests, dams, dens, or other structures destroyed or removed;
 - (g) if the capture or removal was live or deceased;
 - (h) location of release, if applicable;
 - (i) date and method of euthanasia, if applicable; and
 - (j) transfer information to authorized *Wildlife* rehabilitator (date, location).
- (29) Every *Wildlife Removal Company Owner* shall comply with all applicable municipal, provincial and federal laws and regulations.

3. That Business Licensing By-law 122-2022, as amended, be further amended by adding *Wildlife Removal Company (Owner)* to Schedule A in alphabetical order.
4. That Business Licensing By-law 122-2022, as amended, be further amended by adding **Wildlife Removal Companies** to Schedule F after **Pet Shops, Kennels and Pet Grooming Establishments** to read as follows:

Wildlife Removal Companies

5.A. If an *Applicant* has:

- 1) any code 01 *Conviction*;
- 2) any code 02 *Conviction* within the last ten (10) years;

- 3) any code 03 *Conviction* within the last seven (7) years;
- 4) two or more code 03 *Convictions* within the last ten (10) years;
- 5) any code 04 *Conviction* within the last three (3) years;
- 6) two or more code 04 *Convictions* within the last five (5) years;
- 7) any code 05 *Conviction* within the last year;
- 8) any code 08 *Conviction*;
- 9) six (6) or more by-law related* *Convictions* within the last year concerning the *Licensed Business* or individual, or any other of the individual's businesses that are *Licensed* or are required to be *Licensed*, or any of the individual's prior *Businesses* that were *Licensed* or were required to be *Licensed*;
- 10) four (4) or more by-law related* *Convictions* within the last twelve (12) months immediately preceding the date of issuance; or
- 11) overdue by-law fines or penalties, unless the *Applicant* or *Licensee* provides proof that such fines or penalties have been subsequently paid, despite the application being complete and all fees paid, the *Licensing Office* shall refuse to issue or renew a licence. In the case of an existing licence, the *Licensing Office* shall suspend the licence.

5.B. The *Chief Licensing Officer* may, upon a new application for a *Licence* or renewal, as the case may require, issue, renew or reinstate a *Licence*, if at the time of the said application for a *Licence* or renewal, the *Licensee's* record of convictions has fallen below the prescribed thresholds and therefore is in compliance with this By-law.

5.C. The *Chief Licensing Officer* may place conditions and/or issue a warning letter on a *Licence* if he or she has reasonable grounds or otherwise believes that a *Licensee* may be at risk of exceeding a threshold prescribed in this schedule or may otherwise be conducting his or her *Business* in a manner that is not in accordance with this By-law, other City by-laws, legislation and its regulations, or with honesty and integrity, and a warning letter under this section shall set out the specific applicable threshold.

* The *Chief Licensing Officer*, in her or his sole discretion, may determine whether a *Conviction* is a related *Conviction*.

Voted in favour by City of Vaughan Council this 22nd day of April, 2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No. 11 of Report No. 14 of the Committee of the Whole.
Report adopted by Vaughan City Council on April 22, 2024.
City Council voted in favour of this by-law on April 22, 2024.
Approved by Mayoral Decision MDC 005-2024 dated April 22, 2024.
Effective Date of By-Law: April 22, 2024