

October 30, 1996

SUBJECT: PARKS CONTROL BY-LAW - CETACEANS

RECOMMENDATION:

THAT prior to giving the Parks Control By-law second and third reading, the following amendments be made:

- a. Clause (e)(iii) to have the name "Stanley Park Aquarium" deleted.**
- b. Clause (e)(iv) to have the term "if permitted" deleted.**
- c. Clause (e) (iv) to have the term "Association" deleted.**

BACKGROUND

At the Board's meeting of October 28, 1996 first reading was given to the Parks Control By-law with the following substantive clauses included:

1. captive cetaceans caught from the wild prior to September 16, 1996 and cetaceans born into captivity at any time;
2. cetaceans which are already being kept or maintained in Stanley Park as of September 16, 1996;
3. a member of an endangered cetacean species, provided that approval for bringing it into Stanley Park Aquarium has first been obtained from the Park Board; and
4. an animal that has been captured or otherwise taken from its natural wild habitat for the purpose of rehabilitating it from injury or preventing its death due to stranding provided that the capturing or taking and subsequent release to natural habitat (if permitted) is done under the jurisdiction and approval of the federal agency responsible for such decisions, and the Association shall keep the Park Board informed in as timely a manner as possible.

DISCUSSION

The By-law is to apply to everyone, therefore the naming of a specific organization (i.e. Vancouver Aquarium) should not be done. In Clause (e) (iv) the term "if permitted" is used. This is vague and undefined. If the Board wishes to provide for a situation wherein an animal has been brought into the

park system for rehabilitation and there is a need for permanent care within the park system then the By-law would have to be amended to provide for such approving rights.

Enclosed is an amended By-law as per the recommendations of the report.

Prepared by:
General Manager's Office
Board of Parks and Recreation
City of Vancouver
/jc
Attachment

FOR A COPY OF THE ATTACHMENT CALL 257-8448
