



**AGENDA**  
**GOVERNANCE AND PRIORITIES COMMITTEE MEETING**

Monday, November 9, 2020, 1:00 P.M. - 5:00 P.M.  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC

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Pages

**1. CALL THE MEETING TO ORDER:**

[Note: This meeting will be live streamed and video recorded for the public.]

**2. INTRODUCTION OF LATE ITEMS:**

**3. APPROVAL OF THE AGENDA:**

**4. ADOPTION OF THE MINUTES:**

a. Minutes

5 - 10

Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2020-OCT-26, at 1:00 p.m.

**5. REPORTS:**

a. GOVERNANCE AND MANAGEMENT EXCELLENCE:

1. Animal Responsibility Bylaw

11 - 116

To be introduced by Sheila Gurrie, Director, Legislative Services.

*Purpose: To introduce a modernized Animal Responsibility Bylaw that includes provisions for animal welfare, control, licensing, duties of animal owners, penalties, and enforcement as per the recommendations outlined in the Animal Control Service Review.*

Presentation:

1. Karen Robertson, Deputy City Clerk.

[Note: Presentation to be distributed on the Addendum.]

Delegations:

1. Alison Cuffley, Officer, Government Relations, BCSPCA
2. Leon Davis, Branch Manager, Nanaimo and District, BCSPCA

Recommendation: That the Governance and Priorities Committee select one of the following options:

1. That the Governance and Priorities Committee direct staff to forward the draft "Animal Responsibility Bylaw 2020 No. 7316", as circulated, to Council for consideration of first three readings.

OR

2. That the Governance and Priorities Committee direct staff to forward the draft "Animal Responsibility Bylaw 2020 No. 7316" with the following amendments (insert amendments here) to Council for consideration of first three readings.

2. Residential Waste Collection Post-Implementation Review

To be introduced by Bill Sims, General Manager, Engineering and Public Works.

- |    |   |           |
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| 1. | Residential Curbside Collection Post-Implementation Review - 2021 Recommendations | 117 - 175 |
|----|---|-----------|

To be introduced by Bill Sims, General Manager, Engineering and Public Works.

*Purpose: To provide Council with a summary of findings and recommendations of the Residential Curbside Collection Post-implementation Review that may potentially impact the 2021 Budget.*

Presentation:

1. Allan Neilson, Neilson Strategies Inc.

Recommendation: That the Governance and Priorities Committee recommend that Council direct Staff to:

1. Create a 0.5 Full Time Equivalent cart administrator position;
2. Incorporate an additional non-collection day in the annual calendar for training; and,
3. Purchase and install an additional on-board computer.

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|----|--|-----------|
| 2. | Residential Waste Collection Optimization Plan | 176 - 193 |
|----|--|-----------|

To be introduced by Bill Sims, General Manager,  
Engineering and Public Works.

*Purpose: To update Council on a proposed optimization  
to the sanitation service routing and seek approval for  
2021 Budget adjustments.*

Presentation:

1. Taaj Daliran, Manager, Sanitation, Recycling and  
Cemeteries.

Recommendation: That the Governance and Priorities  
Committee recommend that Council endorse the Ten-  
Zone Waste Collection Optimization Plan for  
implementation in January 2021.

b. ENVIRONMENTAL RESPONSIBILITY:

1. The Nanaimo City Doughnut

194 - 198

Councillor Brown and Councillor Geselbracht to provide Council with  
a PowerPoint Presentation titled "The Nanaimo City Doughnut".

c. ECONOMIC HEALTH:

d. COMMUNITY WELLNESS/LIVABILITY:

e. REIMAGINE NANAIMO:

1. REIMAGINE NANAIMO Climate Action Plan Update

199 - 218

To be introduced by Rob Lawrance, Environmental Planner.

*Purpose: To provide information to the Governance and Priorities  
Committee on the REIMAGINE Nanaimo Climate Action Plan  
Update.*

Presentation:

1. Lisa Bhopalsingh, Manager, Community Planning and Duncan  
Cavens, C2MP Consulting Ltd.

2. REIMAGINE NANAIMO - Phase 1 Engagement Status Update

219 - 225

To be introduced by Dale Lindsay, General Manager, Development  
Services.

Presentation:

1. Lisa Bhopalsingh, Manager, Community Planning.

f. AGENDA PLANNING:

1. 2021 Governance and Priorities Committee Key Date Calendar 226 - 229

To be introduced by Sheila Gurrie, Director, Legislative Services.

*Purpose: To present for the Governance and Priorities Committee's consideration, options for the draft 2021 Key Date Calendar.*

Recommendation: That the Governance and Priorities Committee recommend that Council approve the 2021 Governance and Priorities Committee Key Date Calendar, with meetings held in-person, in the Shaw Auditorium.

2. Governance and Priorities Committee Agenda Planning 230 - 237

6. **ADJOURNMENT:**



**MINUTES**  
GOVERNANCE AND PRIORITIES COMMITTEE  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2020-OCT-26, AT 1:00 P.M.

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Present: Councillor T. Brown, Chair  
Mayor L. Krog  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
R. Harding, General Manager, Parks, Recreation and Culture  
S. Legin, General Manager, Corporate Services  
D. Lindsay, General Manager, Development Services  
B. Sims, General Manager, Engineering and Public Works  
B. Corsan, Director, Community Development  
L. Bhopalsingh, Manager, Community Planning  
F. Farrokhi, Manager, Communications (joined electronically)  
D. Stewart, Social Planner, Community Planning  
S. Gurrie, Director, Legislative Services  
K. Lundgren, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Governance and Priorities Committee Meeting was called to order at 1:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5(a)(1) Short-Term Rental Regulation - Add Delegation from Richard Harbo.
- (b) Agenda Item 5(e)(1) - Add Presentation titled "REIMAGINE NANAIMO - Phase 1 Engagement Status Update".

3. APPROVAL OF THE AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF THE MINUTES:

It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2020-SEP-21, at 10:30 a.m.
- Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2020-OCT-05, at 1:00 p.m.

The motion carried unanimously.

5. REPORTS:

(a) GOVERNANCE AND MANAGEMENT EXCELLENCE:

1. Short-Term Rental Regulations

Introduced by Dale Lindsay, General Manager, Development Services.

Presentation:

1. David Stewart, Social Planner, provided a PowerPoint presentation. Highlights included:

- The goal of the Short-Term Rental (STR) review is to determine whether bylaw and policy changes are needed
- STRs are defined as the rental of a room or an entire residential dwelling unit (entire home) on a temporary basis
- 71% of STRs in Nanaimo are entire home rentals which are currently not permitted in the City of Nanaimo
- STRs are dispersed all over Nanaimo with a slight cluster in downtown Nanaimo near the waterfront

Committee discussion took place. Highlights included:

- The large percentage of entire home STRs that are currently not permitted
- The difference between house exchanges and STRs
- Impact of STRs on the long-term rental market

David Stewart, Social Planner, continued his presentation. Highlights included:

- A large portion of STRs are seasonal
- The negative impact of entire home STRs on the neighbourhood due to the home owner not being present
- Entire home STRs likely to have an impact on the long-term rental market

Committee discussion took place. Highlights included:

- The use of Host Compliance software to monitor and enforce STR regulations
- Enforcing STR regulations on the basis of complaints

David Stewart, Social Planner, continued his presentation. Highlights included:

- Overview of STRs in multi-family homes and secondary suites
- Only three of the twelve BC municipalities included in the review allow rentals in secondary suites. This may be due to the impact on the long-term rental market
- Eight of the twelve municipalities included in the review require business licences; the business license fees ranged from \$49 to \$1,500 among the different municipalities
- Staff recommend a business licence fee of \$165 to maintain consistency with most business licence fees in the City of Nanaimo
- Public consultation included stakeholder engagement, an Open House and a survey
- Tourism Nanaimo supports STRs but encourages a strongly regulated market and a business licence requirement
- Provided a summary and graphical representation of public engagement survey responses

Committee discussion took place. Highlights included:

- Concerns regarding the results of the public engagement survey due to small sample size
- Accredited Neighbourhood Associations
- The complexity of the situation and the consequences of the decisions being made
- Current timing of this decision amidst COVID-19 when many people may be struggling financially

David Stewart, Social Planner, provided a summary of options:

- Option 1 – Allow entire home rental with permanent residency restriction
- Option 2 – Maintain status quo but include a business licence requirement

Committee discussion took place. Highlights included:

- Buildings operated by strata would have to put their own regulations in place if they do not wish to have STRs in their building
- Challenges associated with the requirement of an additional parking space in multi-family residences

- Fire inspection for all STRs would strain existing Staff's capacity. Alternatively, Staff recommend a fire safety compliance declaration form be submitted
- Difficulty of enforcement and monitoring of parking

David Stewart, Social Planner, continued the summary of options:

- Option 3 – Allow entire home rentals without primary residency restriction
- Option 4 – Restrict STRs to certain areas only

Committee discussion took place. Highlights included:

- Whether STRs have much of an impact on long-term rental market
- The higher profitability of STRs versus long-term rentals
- The increase in STRs with the emergence of online platforms such as Airbnb, HomeAway, and Vacation Rentals by Owner (VRBO)

Delegations:

1. Barrie Page spoke regarding disturbances in his neighbourhood from a home that is currently operating as an STR, where the owner resides out of town.
2. Richard Harbo provided a PowerPoint presentation regarding an STR operating in his neighbourhood. Disturbances include vehicle traffic, noise, and improper garbage and recycling disposal.

The Governance and Priorities Committee recessed at 2:25 p.m.

The Governance and Priorities Committee reconvened at 2:35 p.m.

Committee discussion took place. Highlights included:

- The concerns regarding the lack of fire inspection and compliance
- Investing in enforcement and suggestion to include costs within the business licence fee
- Allowing STRs in multi-family residences may impact the long-term rental market
- The impact of STR on neighbourhoods and the importance of the operator being a permanent resident of the site
- Taking into consideration the various points-of-view on this topic
- The consideration for individuals, particularly during COVID-19, who rely on the financial benefit of renting an STR
- Issue seems to reside in addressing behaviour of the STR guests
- The benefit of STRs as a more affordable option for guests

Dale Lindsay, General Manager, Development Services, noted that due to the complexity of the issue, the recommendation option chosen by the Committee will then be presented to the community for further input, before it is brought back to Council for final decision.

Committee discussion continued. Highlights included:

- Strata properties' regulations in regards to allowing STRs in their building
- Communication and distribution of information
- Requiring business licencing gives the City the opportunity to enforce compliance
- Further discussion and direction from Council needed in regards to the level of enforcement
- The expected compliance from STR operators in obtaining a business licence
- More discussion to be had after further community input

It was moved and seconded that the Governance and Priorities Committee recommend Council direct Staff to:

1. Prepare amendments to the City of Nanaimo's "Business Licence Bylaw 1998 No. 5351", "City of Nanaimo Zoning Bylaw 2011 No. 4500", and "Off-Street Parking Regulations Bylaw 2018 No. 7266" in order to:
  - a) add a definition to "City of Nanaimo Zoning Bylaw 2011 No. 4500" for "Short-Term Rentals";
  - b) add the definition of "Permanent Resident";
  - c) permit short-term rentals in Residential, Commercial, Downtown, and Corridor zones where the operator is a permanent resident of the dwelling unit or suite;
  - d) apply existing limits on the number of guests and guestrooms permitted within a bed and breakfast to all short-term rentals;
  - e) continue to allow short-term rental guestrooms within a secondary suite provided the total number of long- and/or short-term rental rooms does not exceed two per dwelling unit (house and suite);
  - f) require a business licence for all short-term rentals and bed and breakfasts within the City of Nanaimo based on proof of residency (including two of the following: voter registration, income tax returns, British Columbia driver's licence, British Columbia medical services card, Home Owner Grant application, and British Columbia identification card); and
  - g) require one additional parking space for each short-term rental.
2. Prepare an explanatory guide and operator declaration form for short-term rentals that outlines short-term rental operator requirements, including providing contact information to Staff and neighbouring residences where the owner can be reached within 24 hours.
3. Consult further with stakeholders and the public regarding Council's recommended option before returning to Council with bylaw amendments.

The motion carried unanimously.

(b) REIMAGINE NANAIMO:

(1) REIMAGINE NANAIMO – Phase 1 Engagement Status Update

Lisa Bhopalsingh, Manager, Community Planning, provided a PowerPoint presentation. Highlights included:

- Online survey extended to 2020-NOV-30, allowing more time for stakeholder outreach
- Registration requirements for survey participation have been lifted
- Report on phase 1 of public engagement scheduled for January 2020
- Analytics for the REIMAGINE NANAIMO website and Social Media Campaign (Facebook, Instagram and Twitter)
- Approximately 2,900 surveys have been completed
- Shopping Centre Pop-ups: Woodgrove Centre, Country Club Centre, North Town Centre and University Village Mall
- Nanaimo Community Surveys mailed out with return deadline of 2020-OCT-30
- Additional advertising through newspaper ads, radio and digital ads
- Strong cross-departmental effort on engagement

(c) AGENDA PLANNING:

1. Governance and Priorities Committee Agenda Planning

It was moved and seconded that a presentation from Joan Brown and Scott Saywell regarding reconciliation be added to the Governance and Priorities Committee Meeting agenda planning list. The motion carried unanimously.

It was moved and seconded that the topic of “Street Entertainers Regulation Bylaw 2011 No. 7109” be added to the Governance and Priorities Committee Meeting agenda planning list for January or February 2021. The motion carried unanimously.

It was moved and seconded that Councillor Brown and Councillor Geselbracht provide a video/presentation on the Doughnut Economic Framework Model for information and discussion at the 2020-NOV-09 Governance and Priorities Committee Meeting. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 3:59 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

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CHAIR

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CORPORATE OFFICER

DATE OF MEETING NOVEMBER 9, 2020

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

**SUBJECT ANIMAL RESPONSIBILITY BYLAW**

## **OVERVIEW**

### **Purpose of Report**

To introduce a modernized Animal Responsibility Bylaw that includes provisions for animal welfare, control, licensing, duties of animal owners, penalties, and enforcement as per the recommendations outlined in the Animal Control Service Review.

### **Recommendation**

That the Governance and Priorities Committee select one of the following options:

1. That the Governance and Priorities Committee direct staff to forward the draft "ANIMAL RESPONSIBILITY BYLAW 2020 NO. 7316", as circulated, to Council for consideration of first three readings.

OR

2. That the Governance and Priorities Committee direct staff to forward the draft "ANIMAL RESPONSIBILITY BYLAW 2020 NO. 7316" with the following amendments (insert amendments here) to Council for consideration of first three readings.

## **BACKGROUND**

In December 2019, Allan Neilson, of Neilson Strategies, was retained by the City to conduct a review of the City's animal control services. As part of that review, he was asked to undertake the following:

- examine the animal control service;
- consult with stakeholders;
- identify service-related issues to address;
- conduct research on best practices and experiences in other jurisdictions; and
- provide recommendations for the City to consider.

At the June 8, 2020 Special Council meeting, Mr. Neilson presented his findings and report entitled "Animal Contract Service Review" and outlined the key issues and recommendations for moving forward. Once concluded, staff conveyed that they would bring forward a staff report with recommendations based on those outlined in Mr. Neilson's report.

At the July 6, 2020 Council meeting, staff brought forward a report that included the recommendations outlined in Mr. Neilson's report for Council's consideration. One of the recommendations supported by Council was to have staff prepare an update to the "Licencing and Control of Animals Bylaw" to incorporate the recommendations of the service review. The recommendations referred to were outlined in Figure 3.1 and 4.1 of the Consultant's report (marked as Attachment 3 to this report) and primarily based on the SPCA's Model Animal Responsibility Bylaw. The draft bylaw is now before Council for consideration.

## **DISCUSSION**

As noted in the background section of the report, staff was directed to draft a new bylaw that included the following recommendations supported by Council:

- to emphasize the importance of responsible pet ownership;
- to consider removing reference to "Restricted Dogs" since it is no longer best practice (and not practicable) to target;
- to consider changing "Vicious Dog" to "Aggressive Dog"
- modernize sections to reflect current best practises on tethering, and add additional standards of care (e.g. prohibitions against forcing dogs to run, while leashed to bicycles);
- to require every owner of a cat to provide the cat with identification, such as a collar, traceable tattoo or microchip, to enable the cat to be returned to the owner by Animal Control Services staff or another person;
- that every cat that is permitted to go outside be spayed or neutered; and
- to prohibit every owner of a cat from allowing the cat to be at large in a public place or on another person's property, unless it is under the immediate charge and control of the owner or other person responsible for the animal.

In the Consultant's report, Mr. Neilson suggested using the SPCA model bylaw as a guide (see Attachment 4) as well as to look to language from the City of Duncan and District of North Cowichan's bylaws related to responsible cat ownership and overpopulation, mandatory spaying and neutering for cats who go outdoors, cats at large, and animal identification. Staff also referred to the City of Victoria and Township of Esquimalt bylaws that were referenced as examples in the SPCA model bylaw.

Although the recommendation supported by Council was to update the "Licencing and Control of Animals Bylaw" to incorporate the recommendations of the service review, the bylaw was developed in 1995 and therefore extremely outdated making it challenging to amend. Instead, staff developed a new bylaw that provided for regulatory control of certain activities while also encouraging responsible pet ownership as recommended in the Consultant's report.

### **Consultation/Engagement Process:**

Once the initial draft bylaw was prepared with the above information incorporated, the following stakeholders/experts were invited to provide feedback on the draft:

- Alison Cuffley (Government Relations Officer for the SPCA);
- Leon Davis (Shelter Manager for the SPCA);
- Ian Fraser (Owner/Senior Animal Control Officer for Nanaimo Animal Control Services);
- Carley Colclough (Pound and Adoption Coordinator for Nanaimo Animal Control Services);



- Chrystal Kleis (Executive Director of the Cat Nap Society); and
- Lynn Devries (Experienced Beekeeper)

The following staff also provided feedback on some, or all, aspects of the bylaw:

- Dave LaBerge, Manager of Bylaw Services;
- Cheryl Kuczerski, Senior Bylaw Enforcement Officer;
- Kevin Brydges, Environmental Protection Officer;
- Barbara Wardill, Manager, Revenue Services; and
- Jeremy Holm, Director of Development Approvals.

The collective suggestions were compiled, considered, and where possible, added to the second draft for stakeholders to review. Overall, most of the suggestions were able to be included; however, there were a few instances where there was differing opinions on the way some clauses were worded or suggestions to undertake new initiatives (such as regulating outdoor birds and feeders) that weren't addressed as they were outside the scope of this project.

I want to acknowledge and thank the above noted individuals for the time they took to thoroughly review the draft and for the thoughtful input each person provided. It was an extremely valuable aspect to this project as each person was able to view the bylaw from a different perspective.

Once everyone had an opportunity to provide feedback for the second time, the bylaw was then forwarded to the Municipal Solicitor for a legal review. This also gave staff the opportunity to seek guidance on the wording on clauses where opinions varied. After incorporating the lawyer's suggested changes, the bylaw is now before Council for review and feedback (see Attachment 2).

Staff will walk Council through the various clauses of the bylaw at the meeting but listed below are the more significant highlights and supporting rationale:

#### Companion Animal Limits

The City's Animal Regulation Bylaw currently does not have a limit on the number of pets, which can result in hoarding issues. The size and type of animal, the owner's capacity to provide care, and the size of the owner's property all play a role, and the goal is to find an acceptable limit that allows for enforcement in hoarding situations, while not penalizing the average owner.

Several bylaws that have limits on pets were reviewed and based on those bylaws, staff are recommending that each property owner be allowed up to 6 Companion Animals (including not more than 4 Dogs over the age of 16 weeks and not more than 5 cats over the age of 12 weeks). Given there has been no limit to date, a maximum of 4 small animals (such as hamsters, gerbils, guinea pigs and small birds) were also included (on top of the 6 companion animals). Council may, however, wish to consider limiting the number of Companion Animals to a total of 6 (including small animals).

Exemptions to that limit have been included for people who are temporarily fostering dogs and cats; however, it is subject to them being part of an animal rescue organization such as the SPCA. In these cases, they must also notify the Poundkeeper with the number of species of dogs or cats and the estimated length of time they will be providing care.

In terms of those residents who might currently have more than the allotted number of pets as outlined in the bylaw, they would be grandfathered but not allowed to replace the animal once it passes away or is given away until the conditions of the bylaw are met. As of October 23, 2020, 7,239 residents took out dog licenses. Of those, 32 residents have more than 4 dogs.

#### Removing Reference to “Restricted Dogs”

The SPCA and the City's Animal Control provider both oppose breed specific restrictions, as evidence demonstrates that it does not adequately address the problem of dog aggression in a community. Some of the reasons cited by the SPCA include:

- breed specific restrictions ignores the fact that aggressive behaviour can occur in any breed and therefore does not protect the public;
- breed specific restrictions do nothing to discourage irresponsible behaviour by people who breed, train, sell or possess dangerous dogs that are not named under the breed ban;
- there are no efficient methods to determine a dog's breed in a way that can withstand a legal challenge. Any breed ban bylaw inevitably results in the creation of subjective and arbitrary factors to determine breed;
- in order to avoid breed specific restrictions, people who want aggressive dogs simply switch to other breeds or select cross-breeds that are difficult to classify. Some jurisdictions have now banned upwards of 30 breeds in order to follow these trends, placing great burdens on enforcement; and
- breed specific restrictions treads upon the rights of responsible dog guardians who cherish a non-aggressive pet whose breed may fall under the legislation.

#### Changing “Vicious Dog” to “Aggressive Dog”

The “Vicious Dog” definition was removed as it included reference to “Restricted” dogs, which has been removed under the new draft (see rationale above). The new definition for Aggressive Dogs reflects the aggressive behaviour of any dog, regardless of breed. Additional provisions for licencing of aggressive dogs, as well as duties for aggressive dog owners, has been added as recommended in the SPCA's model bylaw.

#### Standards of Care

As outlined in the SPCA's model bylaw, animals that are poorly cared for can become serious risks to community health and safety. Animals housed in unsanitary conditions are common sources of disease and animals raised in inadequate environments without socialization (e.g. confined in crates or tethered in back-yards) are at risk of developing aggressive temperaments.

Dogs are social animals who crave and thrive on companionship and interaction with people and other animals. Left for hours, days, or months on a chain, dogs suffer immense psychological damage. They can become aggressive, anxious, and neurotic and feel naturally defensive due to their confinement. A bylaw that requires basic standards of animal care allow animal control officers to be proactive and address these issues of concern before an incident occurs. These bylaw provisions can also be used to complement the provisions on animal care contained in the *BC Prevention of Cruelty to Animals Act*. The following animal welfare provisions have been included in the draft bylaw:

- Animal cruelty provisions;
- Basic animal care requirements;
- Outdoor shelter requirements;

- Sanitation requirements;
- Tethering provisions;
- Transport of animals in motor vehicles; and
- Exercising dogs from motor vehicles.

#### Animals in Hot Cars:

As cited in the SPCA bylaw, the SPCA has the authority to remove animals in distress from vehicles; however, the Cruelty Investigations Department is 100% donor-funded and limited by having only 30 constables for the entire province and cannot issue tickets. The RCMP has the ability to remove animals from vehicles, but are often dealing with other high priority response situations. Having a clause included in the bylaw, will give Bylaw Enforcement Officers the ability to issue a ticket when an animal is in distress and call the RCMP or SPCA to remove the animal from the vehicle.

#### Cat Identification

As stated within the SPCA guide, the BC SPCA cares for more than 14,000 cats each year, approximately ½ of whom come as strays. The percentage of animals reunited with their owners in a community is directly connected to identification and has been demonstrated to be important for:

- controlling animal movement associated with disease control;
- preventing theft and the recovering strays, and lost and stolen animals;
- helping to reunite pets and owners;
- reducing stress to individual animals and their owners;
- reducing daily care costs if found; and
- reducing the number of animals euthanized due to not being claimed by owners who cannot trace them.

The SPCA's model bylaw recommends that the owner of every cat affix sufficient identification on the cat by means of a "quick release" or "break-away" collar, harness, traceable tattoo or microchip so that the cat can be traced back to its owner.

It is important to note that COVID has resulted in longer wait times to get veterinarian appointments for non-essential surgeries and microchipping. Should Council adopt the bylaw, enforcement of this provision would be taken into consideration.

#### Mandatory Sterilization for Cats

The majority of the animals that the SPCA takes in are either strays or unwanted litters. The number of unwanted animals is increasing and caring for them is becoming unsustainable. The workload for animal control officers and organizations such as the Cat Nap Society, as well as control, housing and euthanasia of unwanted animals are costly budget items. The SPCA states that municipalities that have invested in proactive strategies for reducing pet overpopulation have realized financial efficiencies in their operational costs.

Options for initiatives that municipalities can undertake include:

- Subsidies for funding spay/neuter programs for low income residents or for organizations such as the Cat Nap Society (as recommended in the Consultant's report);

- Higher fines for unsterilized animals, which provides a financial incentive for owners to spay or neuter their animals (as proposed in the fees and charges bylaw that will be before Council for consideration); and
- Requirements for breeders to be licensed to discourage casual or “backyard breeding” (as outlined in the draft bylaw).

It should be noted that the SPCA annually runs a low cost spay-neuter program for low-income families to have their pet sterilized. Free microchipping is also offered as part of this program.

#### Prohibition on Cats at Large

One of the recommendations outlined in the Consultant's report is that the City prohibit every owner of a cat from allowing the cat to be at large in a public place or on another person's property, unless it is under the immediate charge and control of the owner or other person responsible for the cat.

The SPCA recommends that cats live indoors and the risks of letting your cat outdoors include:

- other cats or dogs in the neighbourhood can cause injuries to a cat;
- busy streets and traffic can cause injury or death;
- exposure to contagious diseases and parasites;
- extreme weather conditions;
- poisoning;
- pet theft;
- animal cruelty; and
- eaten or injured by wildlife like coyotes, eagles or other predators.

Outdoor roaming cats also cause problems by digging in neighbour's gardens, marking territory by spraying, and prey on songbirds and other wildlife.

The SPCA's website offers many tips on keeping one's cat happy, healthy and safe indoors as well as tips on ways to provide cats without outside time while still adhering to the bylaw (i.e. training one's cat to walk on a harness, supervision, or building an enclosure to keep the cat safe).

#### Feeding of Cats:

A new provision has been added that prohibits any person from leaving food out for cats. Doing so can attract cats belonging to other owners, as well as unwanted wildlife. Exemptions were provided under Section 61 to accommodate the work of the Cat Nap Society as this organization has been successfully operating a “Trap, Neuter, Release” program in the Nanaimo area since 1998. Feeding of feral cats is permitted provided the person is registered with an approved organization with a Trap Neuter Release program of which the plan must be in writing with copies provided to the City's Poundkeeper and the SPCA.

#### Other Bylaw Provisions:

Provisions for keeping of livestock, keeping of backyard hens/ducks, and bees remains unchanged from the original bylaw other than housekeeping amendments for clarity purposes.

### Conclusion:

As with any new comprehensive regulatory bylaw, it is not always possible to think of every scenario that may arise. However, staff believe that the draft before Council goes a long way to address the concerns highlighted in the consultant's report as well as addressing outdated provisions. It also provides a much more streamlined framework for the Poundkeeper to follow when enforcing the bylaw. Should any issues arise that were not identified in the bylaw once it is adopted, staff can certainly bring forward bylaw amendments in the future, as necessary.

### Next Steps:

- Once Council has reviewed the bylaw at the November 9, 2020 Governance and Priorities Committee meeting, and provided its feedback, staff will bring forward a finalized draft for Council's consideration (incorporating any feedback received) for first three readings on November 16, 2020. If more significant changes are required, the target will be the December 7, 2020 Council meeting.
- Once the bylaw receives its first three readings, the bylaw will need to be sent to the Minister of Forests, Lands and Natural Resource Operations for approval. During this time, staff will develop a FAQ sheet that highlights the new bylaw provisions as well as the contact protocol for animals running at large, animals in hot cars, etc., so that it is ready for release once the bylaw is adopted.
- Associated fee and fine schedule bylaws will be developed.
- Following adoption, a press release will be issued, along with a finalized copy of the FAQ sheet.

### OPTIONS

That the Governance and Priorities Committee select one of the following options:

1. That the Governance and Priorities Committee direct staff to forward the draft "ANIMAL RESPONSIBILITY BYLAW 2020 NO. 7316" as circulated, to Council for consideration of first three readings.

OR

2. That the Governance and Priorities Committee direct staff to forward the draft "ANIMAL RESPONSIBILITY BYLAW 2020 NO. 7316" with the following amendments (insert amendments here) to Council for consideration of first three readings.

### Implications:

One of the other recommendations as put forward by the Consultant and endorsed by Council was to direct staff to prepare an RFP for revised contracted services, subject to the adoption of the 2021-2026 Financial Plan as the current contract has expired. Prior to moving forward with this directive, the new Animal Responsibility Bylaw should be adopted first so that anyone wishing to bid on the RFP is aware of what provisions need to be enforced.

It is anticipated that there will not be any significant financial implications associated with the bylaw itself as enforcement provisions have been streamlined.

### **SUMMARY POINTS**

- In December, 2019, Allan Neilson, of Neilson Strategies was retained by the City to undertake a review of the City's animal control services, identify service-related issues, conduct research on best practices and experiences in other jurisdictions and provide recommendations for the City to consider.
- At the June 8, 2020 Council meeting, Mr. Neilson presented his findings and outlined the key issues and recommendations for moving forward which included having staff prepare amendments to the bylaw that focus on the importance of responsible pet ownership and to incorporate the following provisions:
  - removing reference to "Restricted Dogs" since it is no longer best practice (and not practicable) to target;
  - changing "Vicious Dog" to "Aggressive Dog".
  - modernizing sections to reflect current best practices on standards of care;
  - requiring every owner of a cat to provide the cat with identification;
  - requiring every cat that is permitted to go outside be spayed or neutered; and
  - prohibiting cats to be at large in a public place or on another person's property, unless it is under the immediate charge and control of the owner or other person responsible for the animal.
- On July 6, 2020, Council supported the Consultant's recommendations and directed staff to move forward with developing a new bylaw for Council's consideration.

### **ATTACHMENTS:**

Attachment 1 - Draft "Animal Responsibility Bylaw 2020 No. 7316"

Attachment 2 - Existing "Licencing and Control of Animals Bylaw 1995 No. 4923"

Attachment 3 - Recommendations from Animal Service Review

Attachment 4 - SPCA Model Animal Responsibility Bylaw Reference Guide

#### **Submitted by:**

Karen Robertson  
Deputy City Clerk

#### **Concurrence by:**

Sheila Gurrie  
Director of Legislative Services

Dave Laberge  
Manager of Bylaw Services

Dale Lindsay  
General Manager, Development Services

CITY OF NANAIMO  
BYLAW NO. 7316  
ANIMAL RESPONSIBILITY BYLAW

A Bylaw to Establish Provisions for Animal Welfare, Control, Licensing, Duties of Animal Owners,  
Penalties, and Enforcement in the City of Nanaimo

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WHEREAS section 8(3)(k) of the *Community Charter* provides municipalities with fundamental powers to regulate, prohibit, and impose requirements in relation to Animals;

AND WHEREAS section 47 of the *Community Charter* permits municipalities to establish different classes of Animals on the basis of sex, age, size, or breed;

AND WHEREAS section 48 of the *Community Charter* provides seizure and related powers in respect of Animals;

AND WHEREAS section 49 of the *Community Charter* provides municipalities with special powers in relation to Dangerous Dogs;

THEREFORE BE IT RESOLVED that the City of Nanaimo, in open meeting assembled, pursuant to powers vested in it by Part 2, Division 1, and Part 3, Division 6 of the *Community Charter*, SBC 2003, c.26, as amended, ENACT AS FOLLOWS:

**PART 1 – INTRODUCTION**

**Title:**

1. This Bylaw may be cited as “ANIMAL RESPONSIBILITY BYLAW 2020 NO. 7316.”

**Definitions:**

2. In this Bylaw unless the context otherwise requires:

“Aggressive Dog”	<p>means any Dog that meets any one of the following criteria:</p> <ul style="list-style-type: none"><li>(a) has attacked, bitten or caused injury to a Person or has demonstrated a propensity, tendency or disposition to do so;</li><li>(b) has bitten, killed or caused injury to a Companion Animal or to Livestock;</li><li>(c) has aggressively pursued or harassed a Person or Companion Animal or Livestock;</li><li>(d) has a known propensity to attack or injure a Person without provocation;</li><li>(e) is owned or kept primarily, or in part, for the purpose of dog fighting or is trained for dog fighting; or</li></ul> <p>is a Dangerous Dog as defined by Section 49 of the <i>Community Charter</i>.</p>
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"Animal Control Officer"	means any Person who is designated by the City to administer and enforce this Bylaw, and includes: a) A Peace Officer; b) A Bylaw Enforcement Officer; c) A Poundkeeper; or d) A Person appointed by the City as an Animal Control Officer.
"Animal"	Includes any living member of the Kingdom Animalia excluding humans and bees.
"Apiary"	means a place where bees or beehive or beekeeping equipment is kept.
"At Large"	means an Animal: a) in or upon a Public Place, or b) in or upon the lands or premises of any Person other than the Owner of the Animal without the express or implied consent of that Person  while not under the direct and continuous control of the Owner or a Competent Person.
"Bee"	means any of a various winged, hairy-bodied insects of the order <i>Hymenoptera</i> , characterized by specialized structures for gathering nectar and pollen from flowers, except wasps.
"Bird"	means a member of the class <i>Aves</i> , which includes warm-blooded, egg-laying, feathered vertebrates having forelimbs modified to form wings.
"Biting"	means the breaking, puncturing or bruising of the skin by an Animal with its teeth.
"Bylaw Enforcement Officer"	means a Person appointed by the City to the position of Bylaw Enforcement Officer or who otherwise, by virtue of that Person's appointment or position with the City, is authorized to enforce this Bylaw.
"Cat"	means a male or female of the species <i>Felis catus</i> .
"Choke Collar"	means a slip collar or chain that may constrict around the animal's neck as a result of pulling on one end of the collar or chain and includes pinch or prong collars, but does not include a martingale collar.
"City"	means the City of Nanaimo.
"Companion Animal"	means a domesticated Animal kept as a pet for companionship to a Person rather than other forms of utility or profit and which may lawfully be kept on residential Property in accordance with this Bylaw and the City's zoning regulations, but does not include Livestock or Poultry.
"Competent Person"	means a Person of sufficient age, capacity, height and weight to ensure an Animal under their control will be obedient to their commands or to physically restrain the Animal if required.
"Council"	means the Council of the City of Nanaimo.



"Distress"	Includes, but is not limited to, an Animal which is exhibiting any of the following signs of heat distress:  (a) Excessively panting or drooling; (b) Dark purple or grey tongue; (c) Loss of bowel control; or (d) Lethargic and unresponsive behaviour.
"Dog"	means any Animal of the <i>Canis familiaris</i> species, irrespective of age or sex.
"Dog Licence"	means a licence for a Dog for the current licensing year that is paid for and that has been issued by the City under this Bylaw.
"Dwelling Unit"	means a detached building, or self-contained unit within a detached building, which is used or intended to be used as a residence for only one family, and which contains a separate entrance, and contains separate eating, living, sleeping, and sanitary facilities and not more than one kitchen, but excludes a Bed and Breakfast and a hotel / motel room.
"Ear tipping"	means the removal of the ¼ inch tip of a Feral Cat's ear (usually left), performed while the Cat is under anesthesia under the supervision of a licensed veterinarian.
"Enclosure"	means a structure forming a pen suitable to confine the Animal being, or intended to be, confined within the structure, and which meets any dimensions required of a specific enclosure under this Bylaw.
"Feral Cat"	means a cat that is unsocialized to humans and has a temperament of extreme fear and resistance to contact with humans.
"Feral Rabbit"	means any Rabbit that is found in a public place or found trespassing on private lands, that bears no form of Identification.
"Identification"	means:  (a) a collar or tag worn by an Animal which includes the name, current address, and telephone number of the Owner; (b) A tattoo or traceable microchip that leads to the name, current address, and telephone number of the Owner; or (c) A valid licence tag issued by a local government in Canada.
"Leash"	means a line or chain that does not exceed 6 feet (1.83 meters) in length and is of sufficient strength to restrain a Dog without breaking.
"Licensed Dog"	means a Dog for which a Dog Licence has been issued, and that is wearing, on its collar or harness, a tag on which has stamped figures corresponding to a Dog for that specific Dog.
"Licensing Year"	means January 1st to December 31st in any year.
"Livestock"	means an Animal normally raised or kept for food, milk or for wool or fiber, or a beast of burden, and includes, but is not limited to, alpaca, cows, donkeys, emus, goats, horses, llamas, mules, ostriches, sheep, or swine, including miniature pigs, and all other animals that are solely used for agricultural purposes.

"Muzzle" "Muzzled"	means a humane basket-style fastening or covering device that is strong enough and well-fitted enough to prevent a Dog from Biting, without interfering with its breathing, panting, vision, or its ability to drink.
"Nuisance"	includes, without limiting its general meaning, an intimidating, aggravating, upsetting or harassing situation, or a situation that prohibits a Person or group of Persons from entering a building or area because of an Animal's behaviour.
"Off-Leash Area"	means any area designated by resolution of Council as a place where a Dog need not necessarily be on a Leash but must still be under the care and control of a Competent Person such that it will obey verbal or hand commands to come when directed to do so.
"Owner"	means, any Person (a) to whom a licence for a Dog has been issued pursuant to this Bylaw; (b) who owns, is in possession of, or has the care or control of any Animal; or (c) who harbours, shelters, permits or allows any Animal to remain on or about the Owner's land or premises.
"Person"	means a natural or legal Person.
"Prohibited Animal"	means: (a) controlled alien species as defined by the Controlled Alien Species Regulation, BC Reg. 94/2009; and (b) wildlife species identified in Schedule "B" or "C" to the Designation and Exemption Regulation, BC Reg. 168/90, except Feral Rabbits.
"Poultry"	means any bird normally raised for food or egg production, and without limiting the generality of the foregoing includes: hens or pullets, rooster or cockerels, ducks, geese, turkeys, artificially reared grouse, partridge, quail, pigeons, pheasant, rock doves, quail or ptarmigan.
"Pound"	means premises used by the Poundkeeper to harbour and maintain Animals pursuant to this Bylaw.
"Poundkeeper"	means the Person appointed as Poundkeeper by Council and any Person or Persons appointed from time to time by Council for the purpose of administering, enforcing and carrying out the provisions of this Bylaw including employees of the Poundkeeper and Animal Control Officers.
"Property"	means real property as defined in the <i>Community Charter</i> .
"Public Beach"	means any beach area adjacent to a lake or ocean located within a park.
"Public Place"	means all land owned, held, operated or administered by any level of government, including a school district.
"Rabbit"	means a burrowing gregarious herbivorous mammal of the <i>Leporidae</i> family.
"Reptile"	means a vertebrate Animal of the class <i>Reptilia</i> that includes snakes, lizards, crocodiles, turtles and tortoises.

"Small Animal"	means chinchillas, domestic ferrets, domestic mice, domestic rats, Rabbits, gerbils, guinea pigs, hamsters, hedgehogs, sugar gliders and small Birds including budgies, canaries, cockatiels, and lovebirds.
"Sterilized"	means an Animal that is spayed or neutered or otherwise rendered incapable of reproducing by a method approved by the Canadian Veterinary Medical Association.
"Unlicensed Dog"	means a Dog, which is not a Licensed Dog and which is over the age of four months.

## PART 2 – ESTABLISHMENT OF A POUND FACILITY

### Appointing a Poundkeeper

3. Council may establish one or more Pounds for the keeping and impounding of Dogs and other Animals, and the Poundkeeper may make all rules and regulations not inconsistent with this Bylaw pertaining to the administration of the Pound(s).
4. Council may enter into an agreement with any Person or organization to act as a Poundkeeper for the establishment, maintenance, operation, and regulation of a Pound and the enforcement of any of the provisions of this Bylaw.
5. Every Poundkeeper must keep the Pound clean and in good repair, and must supply the Animals impounded therein with sufficient and wholesome food and water, and with reasonable shelter, segregation and care as circumstances may warrant.

## PART 3 - APPLICATION

### Limits on Pets

6. No Person shall keep, on any Property:
  - (a) more than 4 Small Animals; and
  - (b) more than 6 Companion Animals.
  - (c) Notwithstanding section 7(b) no Person shall keep on any Property:
    - (i) More than 4 Dogs over the age of 16 weeks; or
    - (ii) More than 5 Cats over the age 12 weeks.
7. Despite the limit on Dogs and Cats in Section 7, a Person may temporarily care for more than 4 Dogs over the age of 16 weeks, or more than 5 Cats over the age of 12 weeks on any Property as part of an Animal rescue organization operated by a society registered under the *Societies Act*, (SBC 2015) c.18, as amended, subject to notifying the Poundkeeper with the number and species of the Dogs or Cats, reason, and estimated length of time they will be providing care.
8. Notwithstanding Section 6 of this Bylaw, a Person who is a member of a certified pigeon racing club may keep up to a maximum of fifty (50) racing pigeons on any parcel of land over .40 of a hectare.

## **Boarding Kennels**

9. No Person shall keep or maintain more than 4 Dogs, or board Dogs for purposes of utility or profit, unless that Person meets the Boarding Kennel requirements as outlined in the City of Nanaimo's Zoning Bylaw and has obtained a valid Business Licence and paid the applicable fee as prescribed in the Business Licence Bylaw.

## **Prohibited Animals**

10. No Person may, breed, possess, ship, release, sell, exhibit for entertainment, or display in public any Prohibited Animal.
11. No Person may keep or possess, sell or transport to or from any place within the City, any poisonous or venomous Reptile, whether or not that Reptile has venom glands.
12. Sections 10 and 11 do not apply to:
  - (a) the premises of a local government facility used for keeping impounded Animals;
  - (b) the premises operated by the BC Society for the Prevention of Cruelty to Animals;
  - (c) the premises of a veterinarian licensed by the College of Veterinarians of BC, providing the veterinarian is providing temporary care for a prohibited Animal;

## **Store Sales**

13. No Person owning operating or in direct control of a retail or wholesale store or business shall offer for sale or sell, or display to the public any Dog, Cat, or Rabbit.
14. Notwithstanding Section 13, a Dog, Cat or Rabbit that has been Sterilized may be offered for adoption through the Poundkeeper, the SPCA or a rescue organization that is registered under the *Societies Act*.
15. At the time of adoption, the Poundkeeper, SPCA or rescue organization must provide:
  - (a) the adopting Person with a written record of adoption, including proof of Sterilization; and
  - (b) the record of adoption must contain the date of adoption, the description of the Animal, and a description of any Identification or other markings on the Animal.

## **PART 4 – LICENSING**

### **Collars and Licence Tags for Dogs**

16. Every Dog Licence and corresponding licence tag issued under this Bylaw:
  - (a) expires on the 31st day of December of the year in which it is issued; and
  - (b) is valid only in respect of the Dog for which it is issued.
17. Every Owner must ensure that a valid licence tag is affixed and displayed on a collar, harness or other suitable device that is worn at all times by the Dog for which the licence is issued.
18. Where a licence tag is lost or destroyed, the Owner must promptly make application to the City to replace the licence tag and pay the fee prescribed in the City's Fees and Charges Bylaw.
19. No Person other than the licensed Owner of the Dog, or the Poundkeeper, may remove a licence tag issued pursuant to this Bylaw from the subject Dog.

20. Where the Owner of a Dog in respect of which a licence has been issued under this Bylaw sells or otherwise ceases to be the Owner of the Dog, the licence is automatically invalid upon the expiry of 14 days from the change in ownership.
21. If the licensed Owner of a Dog transfers the ownership of the Dog to another Person, that Person must obtain a new licence for that Dog by paying the licence transfer fee as prescribed in the City's Fees and Charges Bylaw and surrendering the licence tag previously held by that Dog to the Municipality, on or before the expiry of 14 days from the date of change of ownership.
22. Where a Dog has been duly licensed in another municipality or regional district, that Dog may be licensed in the City upon registration of the dog with the City and payment of the licence transfer fee prescribed in the City's Fees and Charges Bylaw.
23. Where this bylaw provides for a reduced licence fee for a Dog that is Sterilized, the application shall be accompanied by a certificate signed by a veterinarian indicating that the Dog has been Sterilized, or other evidence that satisfies the Poundkeeper that the Dog has been Sterilized.

### **Licensing of an Aggressive Dog**

24. An Owner must apply for an Aggressive Dog licence within 14 days of receiving a notice under Section 72.
25. No Person may own or keep any Aggressive Dog unless the Dog is licensed as an Aggressive Dog with the City by an Owner who is over 19 years of age, who has paid the applicable fee as outlined in the City's Fees and Charges Bylaw, and who keeps the Dog in compliance with Sections 76 through 84 of this Bylaw.
26. An Owner of an Aggressive Dog shall supply the following documentation to the City when first applying for a licence for an Aggressive Dog:
  - (a) A complete licence application for the Dog;
  - (b) Written confirmation from a licenced veterinarian that the Dog has been Sterilized; and
  - (c) Proof that the Dog has permanent Identification, in the form of a traceable tattoo or microchip that leads to the name, current address, and telephone number of the Owner.
27. In addition, the Owner of an Aggressive Dog shall supply the following documentation to the City each calendar year by no later than January 30<sup>th</sup>:
  - (a) Proof that a policy of liability insurance is in force that provides third party liability coverage in the form satisfactory to the City, and that names the City as an additional insured, in the minimum amount of \$1,000,000, for any injuries which may be caused by the Dog;
  - (b) A side view, full body colour photo of the Dog; and
  - (c) Payment of the Aggressive Dog licence fee as outlined in the Fees and Charges Bylaw.
28. If the Owner of an Aggressive Dog does not comply with Sections 76 through 84 of this Bylaw, the Aggressive Dog's Licence is subject to immediate cancellation and the Dog may be seized or otherwise dealt with as an Unlicensed Dog.
  - (a) If a licence is cancelled under section 28 of this Bylaw, the Owner of the Dog may appeal the cancellation in writing to the Manager, Bylaw Services within 7 days of such

cancellation, by providing written submissions setting out why the Owner believes the Aggressive Dog's licence should be cancelled.

- (b) After considering the submission, the Manager, Bylaw Services may confirm, reverse, or amend the decision to cancel the Aggressive Dog License.

## **PART 5 – ANIMAL WELFARE**

### **Animal Cruelty**

- 29. Notwithstanding any other provision of this Bylaw, no Person shall:
  - (a) abandon any Animal;
  - (b) in any way use poison, air pellet guns, bows and arrows, firearms, sling shots, or similar on any Animal, except as exempted under the City's Firearms Regulation Bylaw or the *Wildlife Act*;
  - (c) tease, torment, beat, kick, punch, choke, or provoke an Animal;
  - (d) cause, permit or allow an Animal to suffer; or
  - (e) train or allow any Animal to fight.

### **Basic Animal Care Requirements**

- 30. The Owner of an Animal must ensure that the Animal is provided with:
  - (a) sufficient clean, potable drinking water at all times;
  - (b) suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
  - (c) clean and disinfected food and water receptacles that are located so as to avoid contamination by excreta;
  - (d) the opportunity for regular exercise sufficient to maintain good health; and
  - (e) necessary veterinary care to maintain the health and comfort of the Animal or when the Animal exhibits signs of pain, injury, illness or suffering.

### **Outdoor Shelter Requirements**

- 31. An Owner of an Animal must ensure that the Animal has protection from all elements and must not allow the Animal to suffer from hyperthermia, hypothermia, dehydration, discomfort, or exertion causing pain, suffering, or injury.
- 32. A Person must not keep an Animal outside, unless the Animal is provided with a shelter that provides:
  - (i) protection from heat, cold and wet that is appropriate to the Animal's weight and type of coat;
  - (ii) sufficient space to allow the Animal the ability to turn about freely and to easily stand, sit and lie in a normal position; at least two times the length of the Animal in all directions, and at least as high as the Animal's height measured from the floor to the highest point of the Animal when standing in a normal position, plus 10%;
  - (iii) protection from the direct rays of the sun at all times; and
  - (iv) bedding that will assist with maintaining normal body temperature.
- 33. A Person must not confine a Dog to an Enclosure for a period in excess of 10 hours within any 24 hour period.

### **Sanitation Requirements**

34. A Person must not keep an Animal in an Enclosure, pen, shelter, cage, or run unless the shelter, Enclosure, pen, cage or run is regularly cleaned and sanitized with all excreta removed and properly disposed of at least once a day and is kept free from wild vermin.

### **Tethering Animals**

35. A Person must not cause, allow or permit an Animal to be:
- (a) tethered to a fixed object or vehicle where:
    - (i) a Choke Collar forms part of the securing apparatus, or
    - (ii) a rope, cord or chain is tied directly around the Animal's neck; or
    - (iii) the Animal's collar or harness is not properly fitted, or is attached in a manner that could injure the Animal or enable the Animal to injure itself by pulling on the tether.
  - (b) tethered to a fixed object, except with a tether of sufficient length to enable the Animal to sit, stand, and lie normally.
  - (c) tethered to a fixed object for longer than 2 hours within a 24 hour period;
  - (d) tethered to a traffic control device or support thereof, any fire hydrant or fire protection equipment, handrails or any other object in such a way as to obstruct the public or create a Nuisance; or
  - (e) tethered within 3 metres of an entrance or exit from any public building.

### **Transport of Animals in Motor Vehicles**

36. No Person shall:
- (a) transport any Animals in a motor vehicle outside the passenger compartment or in an uncovered passenger compartment unless the Animal is adequately confined in a cage which is securely fastened to the vehicle, or secured in a body harness or other manner of fastening adequate to prevent the Animal from jumping or falling off the vehicle or otherwise injuring itself; or
  - (b) keep an Animal confined in an Enclosure, including a motor vehicle, without sufficient ventilation to prevent the Animal from suffering discomfort or heat or cold-related injury. Such enclosed space or vehicle, if stationary, shall be in an area providing sufficient shade to protect the Animal from the direct rays of the sun at all times by means of open windows or operating mechanical device that supplies fresh or cooled air to prevent the Animal from suffering Distress, discomfort or heat related injury.

### **Exercising Dogs from a Motor Vehicle or Bicycle**

37. A Person must not:
- (a) exercise a Dog by allowing it to walk or run next to a moving motor vehicle; or
  - (b) exercise a Dog by allowing it to walk or run next to a bicycle, unless the Dog is attached to the bicycle by an apparatus that allows the Person to retain two-handed control of the bicycle at all times.
38. Section 37(b) does not apply to a Person exercising a Dog in a Designated Off-Leash Dog Area if the Dog is not tethered and bicycle riding is allowed in the area.

## **PART 6 – ANIMAL CONTROL**

### **Animals on Private Property**

39. The Owner of an Animal must not allow the Animal to trespass on any private property without the consent of the occupier or Owner of the lands or premises.

### **Animals at Large**

40. A Person who finds and takes possession of an Animal At Large in the City shall immediately notify the Poundkeeper with a description and photo of the Animal, where possible, provide that Person's name and address for contact purposes, and surrender the Animal to the Poundkeeper on demand.

### **Dogs in Public Places**

41. The Owner of a Dog must not allow the Dog to be in a Public Place unless the Dog is on a Leash with one end securely affixed to a collar or harness securely attached to the Dog, and the other end held by a Competent Person.
42. Every Owner of a Dog must ensure that any Person who has care, custody or control of their Dog is a Competent Person.
43. Despite Section 41, the Owner of a Dog may allow the Dog to be Off-Leash in the areas listed in Schedule "B" to this Bylaw, so long as the Dog is under the effective control of a Competent Person such that it will obey verbal or hand commands to come when directed to do so.
44. No Person may permit a Dog in their care or custody to obstruct other users of a pathway or City sidewalk.

### **Other Animals in Public Places**

45. The Owner of an Animal, other than a Dog, must not allow the Animal to be in any Public Place unless the Animal is under the direct control of a Competent Person.
46. Despite any other provision of this Bylaw, no Owner may permit any Animal to:
- (a) be on a Public Beach during the months of May through September inclusive; or
  - (b) be on the deck of a wading pool or a spray pool.

### **Animal Performances**

47. No Person shall operate or carry on a public show, exhibition, carnival or performance, in which Animals are required to perform tricks, fight, participate in, or otherwise accompany exhibitions or performances for the entertainment of an audience; however, nothing in this Section shall prohibit or restrict the following:
- (a) exhibitions, parades or performances involving horses or ponies or in which individuals ride horses or ponies;
  - (b) exhibitions involving Dogs;
  - (c) displays or showings of animals in agricultural fairs or pet shows; or
  - (d) magic acts
- provided that the exhibition, parade or performance in no way causes an Animal to be treated in an inhumane manner.



### **Animals Damaging Public Property**

48. The Owner of an Animal must not allow the Animal to damage or destroy any building, structure, playground equipment, tree, shrub, plant, or turf in a Public Place.
49. The Owner of any Animal must reimburse the City for any and all damage done by that Animal to City property in contravention of Section 48.

### **Animals Chasing or Harassing**

50. Every Person must ensure an Animal in their care or custody does not chase, harass, molest, attack, injure or kill a Person or Animal.
51. Despite section 50, Dogs may be used to carry out wildlife management activities as permitted by the General Manager of Development Services or their designate.

### **Dogs in Heat**

52. (a) Every Owner of a female Dog in heat must ensure that the Dog remains within an enclosed building, Enclosure, or pen until she is no longer in heat.
- (b) Despite Section 52(a), the Owner of a female Dog in heat may allow the Dog to leave the building or Enclosure in order to urinate or defecate on the Owner's lands, or go for a walk, if a Competent Person:
  - (i) firmly holds the Dog on a Leash; and
  - (ii) immediately returns the Dog to the building or Enclosure upon completion of the urination, defecation, or walk.

### **Keeping of Bees**

53. No Person shall keep or harbour bees in excess of 1 beehive, consisting of no more than 1 hive box and 2 nucs on top, on any parcel of land under .40 of a hectare.
54. On parcels of land greater than .40 of a hectare, no Person shall keep or harbour Bees in excess of 3 beehives, consisting of no more than 1 hive box and 2 nucs per hive, per .40 of a hectare.
55. A person who keeps Bees must comply with the following:
  - (a) Apiaries shall not be located within 7.5 meters of an adjacent property line unless:
    - (i) the hives are behind a solid fence, or a hedge that is at least 1.83 meters in height located parallel to an adjacent property line and extending a minimum of 6.0 meters horizontally beyond the hive in either direction; and
    - (ii) the entrance to the hive faces away from adjacent property dwellings, entrances and walkways.
  - (b) Every Person who keeps Bees must have sufficient clean water within 1 metre of the Apiary to prevent the Bees from seeking water from other sources, such as neighbourhood swimming pools, birdbaths, ponds, or other bodies of water.
  - (c) Every Person who keeps Bees on their property must maintain the bees in a condition that will reasonably prevent swarming behaviour by the bees.

- (d) Every Person keeping Bees must be registered under the *Bee Act*, RSBC 1996, Chapter 29 and amendments thereto.

- 56. Notwithstanding section 56, Bee uses on land zoned agriculturally (AR1 and AR2) shall follow the setback requirements as outlined in the City of Nanaimo's Zoning Bylaw.

### **Keeping of Cats**

- 57. Every Owner of a Cat over the age of 3 months shall affix and keep affixed sufficient Identification on the Cat by means of a collar, harness, traceable tattoo, microchip or other suitable device.
- 58. Every Owner of a Cat over the age of three 3 months shall immediately, or as soon as practicable, upon request by the Animal Control Officer, provide evidence to the Animal Control Officer's satisfaction, that such Cat has Identification in accordance with Section 58 of this Bylaw.
- 59. No Person shall own, keep, possess or harbour any Cat apparently over the age of 6 months in the City unless:
  - (a) The Cat has been Sterilized by a veterinarian; or
  - (b) The Person has a valid and subsisting business licence to breed Cats.
- 60. A Person must not intentionally feed or leave food out for any Cat.
- 61. Despite Section 61, any Person may feed Feral Cats subject to the following:
  - (a) the Person must be registered with a City-approved organization with a Trap Neuter Release program;
  - (b) the Person must maintain a plan for the care, feeding and mandatory Sterilization, tattooing or Ear-tipping, and vaccination of each Feral Cat;
  - (c) the plan must be in writing and registered with a City-approved organization with a Trap Neuter Release program, the City's Poundkeeper, and the local office of the Society for the Prevention of Cruelty to Animals (SPCA);
  - (d) outdoor feeding stations must be located on private Property and may only contain food and be available for feeding for up to 45 minutes maximum, once per day;
  - (e) outdoor shelter must be provided for any Feral Cat on the Property where the feeding station is located.

### **Keeping of Poultry**

- 62. No Person shall keep or harbour any Poultry on any parcel of land unless that parcel of land has an area greater than 0.4 hectares.
- 63. Notwithstanding Section 64, a Person may keep:

- (a) a maximum of 6 hens or ducks, or combination thereof, on a parcel of land less than 0.4 hectares in size but greater than 0.045 hectares in size; or
- (b) if the parcel of land is smaller than 0.045 hectares in size, a maximum of 4 hens or ducks, or combination thereof;

provided that in any case:

- (c) no roosters, cocks, cockerels, or peafowl are kept on the Property;
- (d) a minimum Enclosure of .37m<sup>2</sup> must be provided per hen or duck.
- (e) any Enclosure containing hens or ducks, whether portable or stationary, must comply with the setback requirements of the zone;
- (f) Enclosures housing hens or ducks and the areas around them must be kept clean, dry, and free of odours and vermin;
- (g) any diseased hen or duck is euthanized and its carcass destroyed;
- (h) no butchering or euthanizing of hens or ducks occurs on the Property;
- (i) hen and duck manure and waste products are composted, in an enclosed bin, or otherwise disposed of to prevent odours.

- 64. No Person shall keep any Poultry:
  - (a) within any Dwelling Unit, or on a balcony or deck; or
  - (b) in a cage, carry-cage, or portable cage other than for the purpose of transport of the Poultry.
- 65. No Person who has possession or control of Poultry shall allow Poultry to:
  - (a) stray or trespass or graze in any highway or Public Place;
  - (b) stray or trespass or graze on private Property, except with the consent of the Owner of that private Property;
  - (c) stray or trespass or graze on unfenced land; or
  - (d) be released or abandoned anywhere within the City.

### **Keeping of Livestock**

- 66. No Person shall keep any Livestock on any property, within the City, other than property zoned for such uses in the City's Zoning Bylaw.
- 67. No Person shall permit any Livestock to graze on unfenced land, unless securely tethered.
- 68. No Person shall keep any Livestock within any Dwelling Unit.

### **Keeping of Rabbits**

- 69. A Person must not keep Rabbits in an outdoor Enclosure, pen, cage or run unless the Enclosure, pen, cage or run is:
  - (a) securely enclosed to prevent escape and to ensure the safety of the Rabbits from predators; and
  - (b) situated at least 3 metres away from each Property line.
- 70. A Person must not keep any Rabbit which is not Sterilized.

## PART 7 – AGGRESSIVE DOGS

### Aggressive Dog

71. Where the Poundkeeper determines that a Dog meets the definition of an Aggressive Dog, the Poundkeeper will issue a written notice to the Owner of that Dog, with a copy provided to the property owner, if applicable, advising of the determination and advising the Owner of the requirements of this Bylaw with respect to Aggressive Dogs.
72. The notice set out in Section 72 may be served on the Owner in one or more of the following ways:
  - (a) Personally, by handing the notice to the Owner;
  - (b) by handing the notice to a Person on the Owner's Property who appears to be over the age of 16 years;
  - (c) by posting the notice upon some part of the Owner's Property and by sending a copy to the Owner by regular mail, in which case the notice is deemed to have been received by the Owner 5 days after the notice was mailed;
  - (d) by emailing a copy to the Owner, in which case the notice is deemed to have been received by the Owner 48 hours after the notice was emailed; or
  - (e) by mailing a copy by prepaid registered mail to the last known address of the Owner, in which case the notice is deemed to have been received by the Owner 72 hours after the notice was mailed.
73. A Dangerous Dog may also be dealt with by the City in accordance with Section 49 of the *Community Charter*.
74. All Animal Control Officers are designated as animal control officers for the purpose of Section 49 of the *Community Charter*.

### Duties of an Aggressive Dog Owner

75. Every Owner of an Aggressive Dog must:
  - (a) secure the Dog by a collar or harness and a Leash that is a maximum length of 1.83 metres or 6 feet when not on the Owner's property;
  - (b) keep the Dog Muzzled when not on the Owner's property;
  - (c) prominently display at each entrance to the property and building in, or upon which the Dog is kept, a sign similar to the one shown on Schedule "A" to this Bylaw, which must be posted so that it cannot be removed and which will be visible and capable of being read from the sidewalk, street or lane abutting the entrances to the property or building.
  - (d) at all times when the Dog is on the Owner's property, keep the Dog securely confined either indoors or, if outdoors:
    - (i) behind a secure fence at least 6 feet in height capable of preventing the entry of a child under the age of 10 years and adequately constructed to prevent a Dog from escaping; or
    - (ii) in an Enclosure that is located in a rear yard, locked to prevent casual entry by another Person, and has been inspected and approved by the Poundkeeper.
76. An Enclosure referred to in Section 76(d) must:
  - (a) be of sufficient height and strength and stability to contain the Dog and form a confined area with no side in common with a perimeter fence;
  - (b) be located in a rear yard; and

- (c) have a secure top attached to all sides, and have a single entrance which is self-closing and has a lock.
77. An Owner of an Aggressive Dog must not allow the Aggressive Dog to be:
- (a) on any school grounds, which means any portion of the Property of the School as defined in the *School Act* and *Independent School Act*;
  - (b) within 30m of any playground apparatus;
  - (c) in the areas listed in Schedule B to this Bylaw; or
  - (d) in a park.
78. The Owner of an Aggressive Dog must:
- (a) Allow an Animal Control Officer to photograph the Dog, on demand.
  - (b) Within two (2) days of moving the Dog to a new place of residence, provide the Poundkeeper with the new address where the Aggressive Dog is kept;
  - (c) Within two (2) days of selling or giving away the Dog, provide the Poundkeeper with the name, address and telephone number of the Person to whom the Dog was sold or given.
  - (d) Within two (2) days of the death of the Dog, provide the Poundkeeper with a veterinarian's certificate of death.
  - (e) Advise an Animal Control Officer immediately if the Aggressive Dog is At Large.
  - (f) Advise an Animal Control Officer immediately if the Aggressive Dog has bitten or attacked any Person, Companion Animal or Livestock.
79. In addition to the requirements of Sections 76 – 79, if the Poundkeeper considers that an Aggressive Dog can be retrained and socialized, or that the bite or injury from any attack was the result of improper or negligent training, handling, or maintenance, the Poundkeeper may impose, as a condition of licensing, conditions and restrictions in respect of the training, socialization, handling and maintenance of the Aggressive Dog.
80. Where the Owner of an Aggressive Dog requests that the Aggressive Dog be destroyed, the Poundkeeper may arrange to have the Aggressive Dog humanely destroyed. In such cases, the Owner must sign a form for the release of the Aggressive Dog to the City or Poundkeeper for the purposes of humane destruction.

### **Application for Relief from Aggressive Dog Designation**

81. An Owner, following a period of at least 2 years from the date stated on the written notice under Section 72, may apply to the Manager, Bylaw Services for relief from the requirements of Sections 76 through 79 provided that:
- (a) The City has received no further complaints regarding to the Dog's aggressive behaviour during the two-year period; and
  - (b) The Owner provides satisfactory proof that the Owner and the Dog have successfully completed a course designed and delivered by a qualified dog behaviour professional to address the Dog's aggressive behaviour.
82. If a Dog displays aggressive behaviour again after relief has been granted pursuant to section 82, the requirements of Section 76 through 79 shall apply in perpetuity.

## PART 9 – ANIMAL NUISANCES

### Animal Waste

83. Every Person must immediately remove and lawfully dispose of any excrement deposited by a Dog in their care and custody on any Public Place, Public Beach, or private property not owned or occupied by the Owner.
84. No Person who has removed Dog excrement may deposit same into a public litter receptacle except where the excrement is securely contained in an impermeable bag or other impermeable container so as not to ooze, leak or fall out in the public litter receptacles.

### Noisy Dogs

85. The Owner of a Dog must not allow or permit a Dog to bark, howl, yelp, cry or make other noises:
- (a) continuously for ten minutes or more without significant periods of rest;
  - (b) sporadically for a cumulative total of 15 or more minutes within any 60 minute period;
  - (c) in a manner that unduly disturbs the peace, quiet, rest, comfort or tranquility of the surrounding neighbourhood or vicinity, or of Persons in the neighbourhood or vicinity; or
  - (d) otherwise in such a manner as to cause a Nuisance.

### Feeding Wildlife

86. A Person must not intentionally feed or leave food out for the purposes of feeding:
- (a) *Cervidae* (deer)
  - (b) *Procyon lotor* (racoons);
  - (c) *Sciurus* (squirrels);
  - (d) Feral Rabbits; or
  - (e) bears, coyotes, cougars, wolves, or other Animals designated as dangerous wildlife under the *Wildlife Act*, RSBC 1996, c. 488.

## PART10 – SEIZING AND IMPOUNDING ANIMALS

### Authority to Seize and Impound

87. The Poundkeeper may immediately seize and impound:
- (a) a Dog that is At Large in contravention of this Bylaw;
  - (b) any Unlicensed Dog;
  - (c) any Animal that is straying or trespassing on Private Property;
  - (d) any Animal that is on unfenced land and not securely tethered or contained; and
  - (e) any Animal that exhibits signs of pain, injury, illness, or suffering that Council or the Poundkeeper considers cannot be otherwise reasonably addressed.
88. The Poundkeeper may impound any Animal brought to the Pound by any other Person.
89. The Poundkeeper may, where they have reason to believe that an Unlicensed Dog has taken refuge on a premises:

- (a) require the occupant of such premises to provide proof that the Dog is the subject of a current and valid licence and is wearing the associated licence tag, or to surrender the Dog to the Poundkeeper;
- (b) enter and search any place, including a place that is occupied as a private dwelling, subject to the requirements of Section 16 of the *Community Charter*.

90. The Poundkeeper is authorized to employ such assistance as is deemed necessary or advisable to seize and impound any Animal in pursuant to this Bylaw, and the expense shall be added to the fees chargeable by the Animal Control Officer as outlined in the Fees and Charges Bylaw.

### **Care of Impounded Animal**

91. If the Poundkeeper considers that an impounded Animal requires one or more of:
- (a) a vaccination;
  - (b) flea treatment;
  - (c) worm treatment;
  - (d) examination by a veterinarian; or
  - (e) urgent veterinary care to alleviate any pain or suffering as recommended by a veterinarian;
- then the Poundkeeper may cause such care to be provided at the sole cost and expense of the Animal's Owner.

### **Informing the Owner of Impoundment**

92. Where an Animal is impounded pursuant to this Bylaw, within 24 hours, or in cases where the Pound is closed, on the next business day, the Poundkeeper must make reasonable effort to:
- (a) contact the Owner of an impounded Animal if known to the Poundkeeper or the Animal is wearing Identification, by calling the telephone number in the Identification;
  - (b) contact the Owner of an impounded Dog if a Dog wearing a licence tag, by calling the telephone number in the licence information;
  - (c) ascertain the Owner of the Animal, other than a Dog wearing a licence tag, by posting a notice on the Pound's website and social media site, including a photograph, when possible, and/or description of the Animal and the contact information for the Poundkeeper.
93. Where the Poundkeeper is unable to reach the identified Owner of an impounded Animal by telephone, a notice of impoundment may be delivered by mail and shall be sent to the last known address of the Owner, in which case the notice shall be deemed to have been received by the Owner 72 hours after being deposited in any post box within the City.
94. Notices of impoundment shall include the following information:
- (a) date and time of the impoundment;
  - (b) description of the Animal;
  - (c) how application may be made for release of the Animal;
  - (d) costs of seizure, expenses to the date of the notice and any continuing costs and expenses; and
  - (e) that the Animal will become the property of the City and may be put up for adoption or destroyed after the expiration of 96 hours from the date and time the notice of impoundment is given, or deemed to be given, to the Owner, or unless redeemed.

## **Redeeming an Animal from the Pound**

95. The Owner of an impounded Animal or the Owner's authorized agent may redeem the Animal from the Pound by:
- (a) proving Ownership of the Animal to the satisfaction of the Poundkeeper and, in the case of an Owner's agent, satisfying the Poundkeeper of the agent's authority to act on the Owner's behalf;
  - (b) paying to the Poundkeeper:
    - (i) any applicable licence fees as outlined in the Fees and Charges Bylaw;
    - (ii) the applicable impoundment fees as outlined in the Fees and Charges Bylaw;
    - (iii) the applicable maintenance fees as outlined in the Fees and Charges Bylaw;
    - (iv) the City's actual incurred costs and expenses in respect of any and all damage done by the Animal to City Property in accordance with section 49;
    - (v) any veterinary costs incurred in respect of the Animal during the impoundment period; and
  - (c) satisfying the Poundkeeper that the Owner is in compliance with Part 5 of this Bylaw.
96. The Poundkeeper may refuse to release the impounded Animal to the Owner or the Owner's agent in accordance with section 110.
97. The Owner of an Impounded Animal is liable to pay the seizure and impoundment fee and boarding and maintenance fees, including costs of veterinary treatment and the cost of transport to the nearest available veterinary practitioner, regardless of whether or not the Owner redeems the Animal.

## **No liability for injury to Animal**

98. No provision of this Bylaw shall be construed as making the Poundkeeper, the City, or their agents liable to any Person for injury to, sickness or death of an Animal, whether or not incurred while the Animal is in the custody of the Poundkeeper.

## **Disposition of unredeemed Animals**

- (a) An Animal becomes the property of the City if it is not redeemed within 72 hours after:
  - (b) its impounded; or
  - (c) In the case of a licensed Dog, within 96 hours of the Owner being notified of the impoundment pursuant to Section 94 and 95 of this Bylaw.
99. If an Animal becomes the property of the City, the Poundkeeper may:
- (a) put the Animal up for adoption;
  - (b) cause the Animal to be surrendered to the British Columbia Society for the Prevention of Cruelty to Animals or any other organization or Person for the purpose of adoption;
  - (c) deal with the Animal in accordance with the requirements of applicable federal or provincial legislation; or
  - (d) may cause the Animal to be humanely destroyed.
100. Where any Animal is adopted out pursuant to Section 100 above, all property and interest any previous Owner had in that Animal will pass to the purchaser, and all rights of property in the Animal that existed before the adoption shall be extinguished.



101. Where an impounded Animal is adopted out pursuant to this Bylaw, any monies received by the Poundkeeper for the Animal will be applied against the fees and costs of outstanding licences, veterinary care and adopting out the Animal.

### **Euthanization of Impounded Animals**

102. Notwithstanding any other provisions of this Bylaw, if an impounded Animal is suffering from an injury, sickness or incurable disease or from any other cause, the Poundkeeper, may euthanize, by lethal injection of a barbiturate approved by the College of Veterinarians of British Columbia, any Animal deemed to be seriously ill or injured for humane reasons and in prior consultation with a veterinarian, if all reasonable efforts to contact the Owner of the Animal have failed.

### **Adoption of Animals**

103. Every Person wishing to adopt an Animal from the Pound must:
- (a) make an application to the Poundkeeper on the form prescribed by the Poundkeeper and pay the fees set out in the Fees and Charges Bylaw; and
  - (b) if the Animal is a Dog, licence the Dog pursuant to this Bylaw, where applicable.

## **PART11 – PENALTIES AND ENFORCEMENT**

104. This Bylaw may be enforced by a Poundkeeper, and any other Person or class of Persons designated by Council to enforce City bylaws.

### **Provision of information**

105. If a Person occupies premises where a Dog is kept or found, the Person must provide the following information when requested by the Poundkeeper:
- (a) The Person's name, address and telephone number;
  - (b) If the Person is not the Dog's Owner, the Owner's name, address and telephone number;
  - (c) The number of Dogs kept on the premises;
  - (d) The breed, sex, age, name and general description of each Dog kept on the premises;
  - (e) Whether each Dog kept on the premises is licensed, and if so, the licence number(s).
106. If a Person has custody of a Dog, the Person must provide the following information when requested by an Animal Control Officer:
- (a) The Person's name, address and telephone number;
  - (b) If the Person is not the Dog's Owner, the Owner's name, address and telephone number;
  - (c) The breed, sex, age, name and general description of each Dog owned by or in the custody of the Person;
  - (d) Whether each Dog owned or in the custody of the Person is licensed, and if so, the licence number(s).

### **Entering Property for inspection**

107. In accordance with Section 16 of the *Community Charter*, an Animal Control Officer at reasonable times may enter onto and into real Property to inspect and determine whether the requirements and prohibitions of this Bylaw are being complied with.

## Right of Refusal to Release from Impoundment

108. The Poundkeeper may refuse to release an Animal to any Person, including its Owner, where:
- (a) the Animal has been seized by the Poundkeeper under Section 49 of the *Community Charter* less than 21 days prior, or is the subject of an application under Section 49 of the *Community Charter*;
  - (b) authorized or required under applicable federal or provincial legislation;
  - (c) the Poundkeeper has determined under Section 103 of this Bylaw that the Animal is subject to suffering that cannot be reasonably addressed other than by the Animal's humane destruction; or
  - (d) if any fees under this Bylaw remain owing to the Poundkeeper.

## Offences

109. No Person shall hinder, delay, or obstruct in any manner, directly or indirectly, the Poundkeeper from in carrying out their duties and powers under this Bylaw, including, without limitation by:
- (a) providing false information;
  - (b) unlocking or unlatching or otherwise opening a vehicle or Enclosure in which an impounded Animal has been placed;
  - (c) removing or attempting to remove any Animal from the possession of the Poundkeeper; or
  - (d) removing, or attempting to remove, an Animal from the Pound except in accordance with this Bylaw.
110. Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter* and *Offence Act*.
111. Where an offence under this Bylaw is of a continuing nature, each day that an offence continues, or is permitted to exist, constitutes a separate offence.
112. Section 111 shall not prevent the City, or an authorized Person on behalf of the City, issuing and enforcing a bylaw notice under the City's Bylaw Notice Enforcement Bylaw.

## PART12 – GENERAL PROVISIONS

### Severability

113. If any part, section, sub-section, sentence, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid section shall be severed and the severance shall not affect the validity of the remaining portions of this Bylaw.

## Repeal

“Licencing and Control of Animals Bylaw 1995 No. 4923” and all amendments thereto, are hereby repealed.

“Animal Performance Bylaw 1992 No. 4504” and all amendments thereto, are hereby repealed.

“Faeces Removal Bylaw 1980 No. 2190” and all amendments thereto, are hereby repealed.

PASSED FIRST READING

PASSED SECOND READING

PASSED THIRD READING

Approved by the Minister of Forests, Lands and Natural Resource Operations \_\_\_\_\_

ADOPTED

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

**SCHEDULE "A" to Animal Responsibility Bylaw No. 7316**

Actual Size of Sign: 30.5 cm x 23.5 cm [12 inches x 9.25 inches]  
**Red lettering. Black graphic of Dog's head.**

# **WARNING**

## **AGGRESSIVE DOG ON PREMISES**

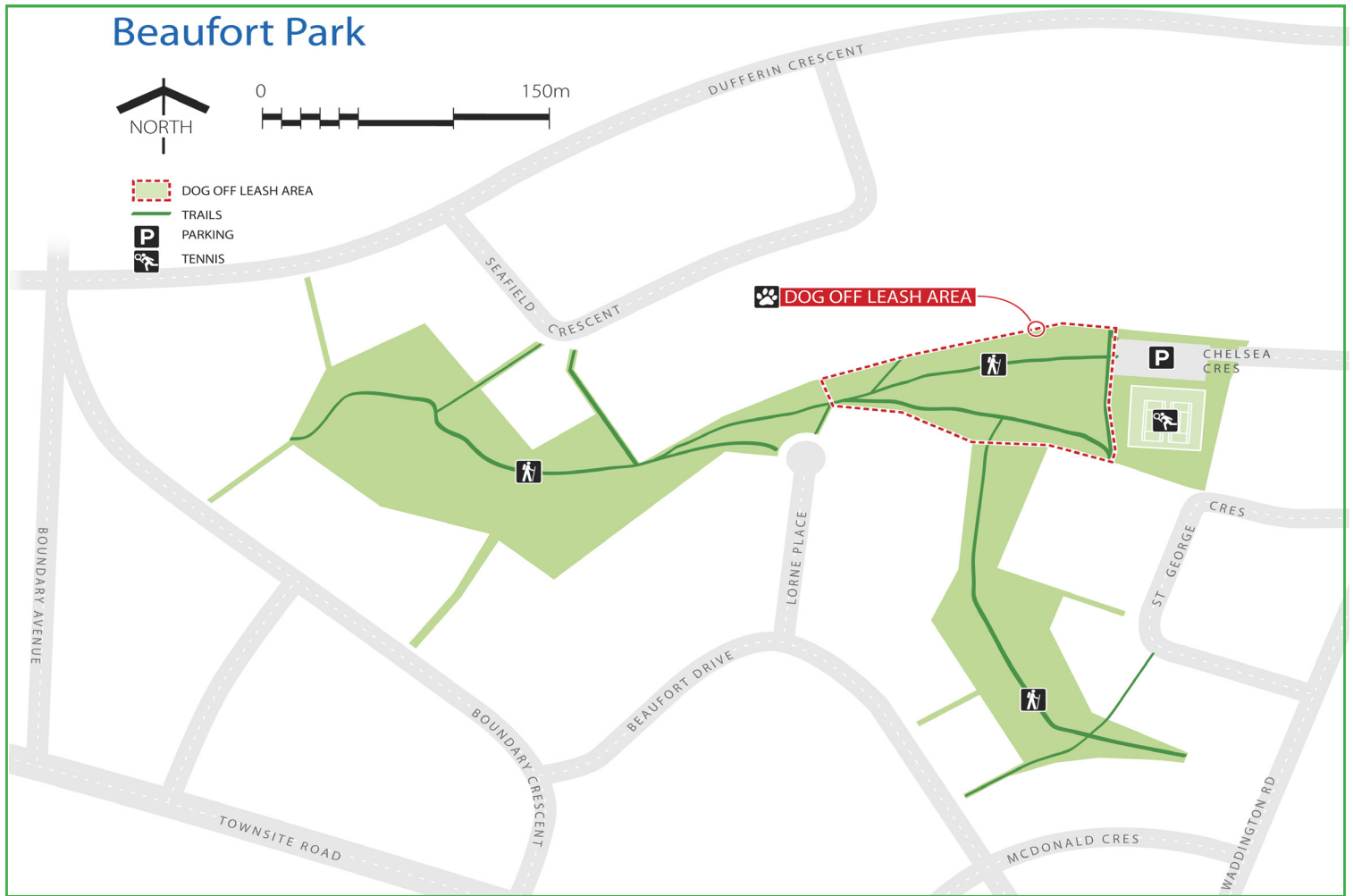


## SCHEDULE “B” to Animal Responsibility Bylaw No. 7316

### Designated Off-Leash Dog Areas

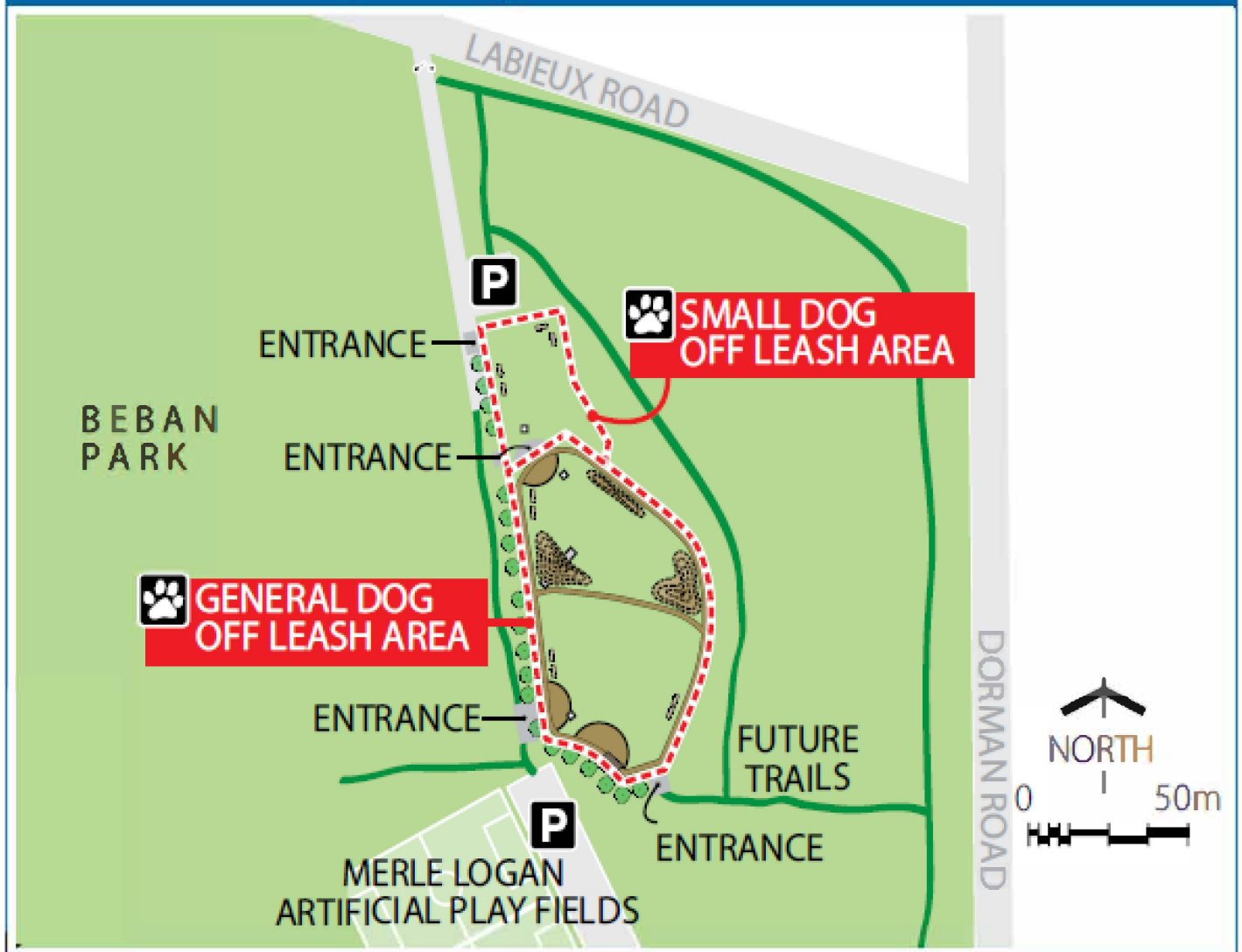
PARK NAME	PARK ADDRESS	SPECIAL CONDITIONS
Beaufort Park	69 Lorne Place	Only areas as designated by signage in park
Beban Park	2300 Bowen Road	Fenced area only
Cable Bay Trail	ROW Cable Bay, Lot 114	Entire park
Colliery Dam Park	635 Wakesiah Avenue	Only areas as designated by signage in park
Diver Lake Park	2430 Black Frank Drive	Only areas as designated by signage in park
Gallows Point	208 Colville Ton Trail	Only areas as designated by signage in park
Invermere Beach Park	6420 Invermere Road	Entire park
May Richards Bennett Pioneer Park	6780 Dover Road	Only areas as designated by signage in park
Northfield Rotary Lookout Park	2450 Northfield Road	Fenced area only
St. George Ravine Park	1060 St. George Street	Only areas as designated by signage in park
Wardropper Park	2957 Departure Bay Road	Fenced area only
Westwood Lake Park	231 Westwood Road	Only areas as designated by signage in park

SCHEDULE B  
Animal Responsibility Bylaw  
Designated Off-Leash Dog Area - Beaufort Park

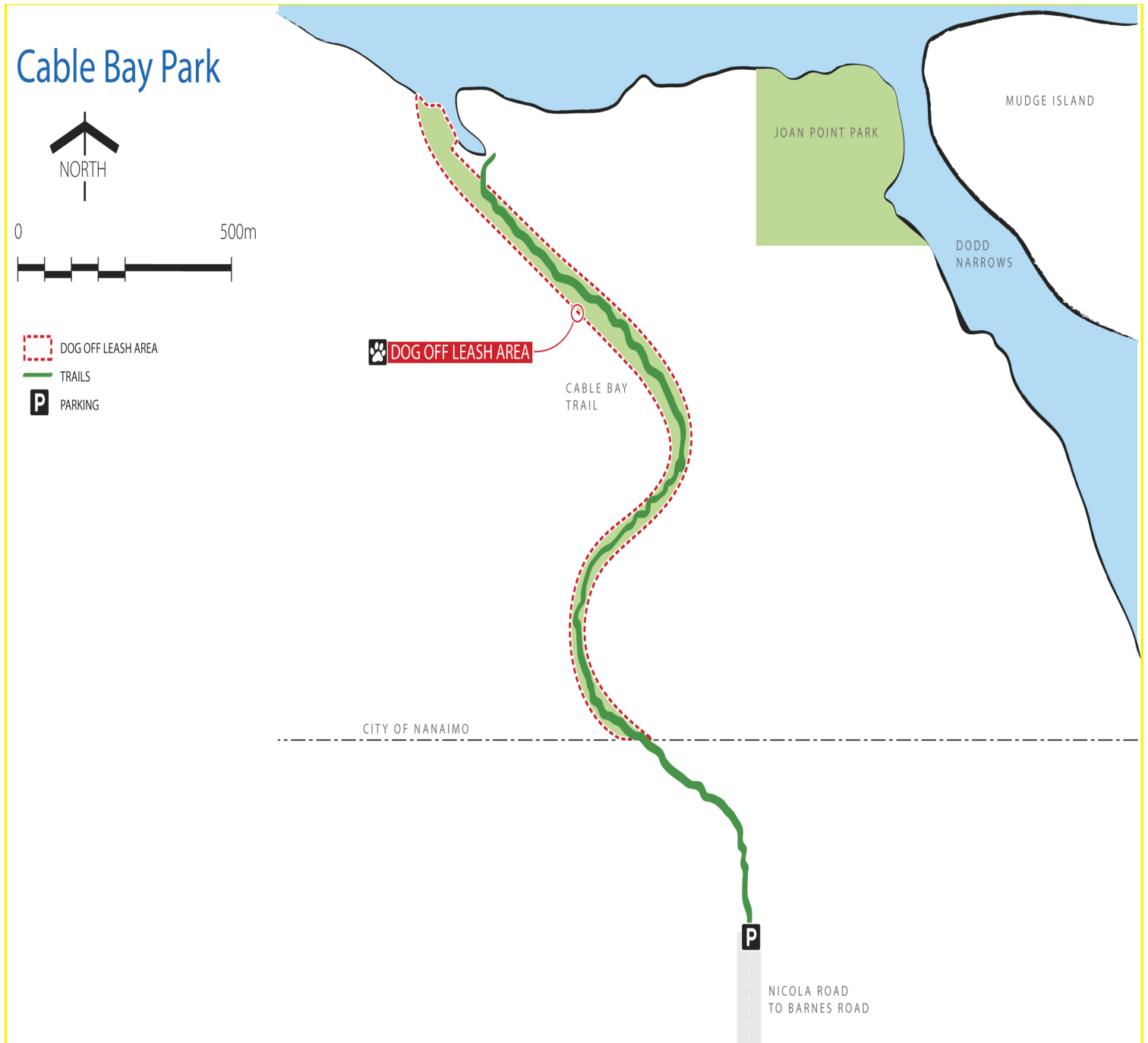


SCHEDULE B  
Animal Responsibility Bylaw  
Designated Off-Leash Dog Area - Beban Park

## Beban Park (fully fenced)



Schedule B  
Animal Responsibility Bylaw  
Designated Off-Leash Dog Area - Cable Bay Trail



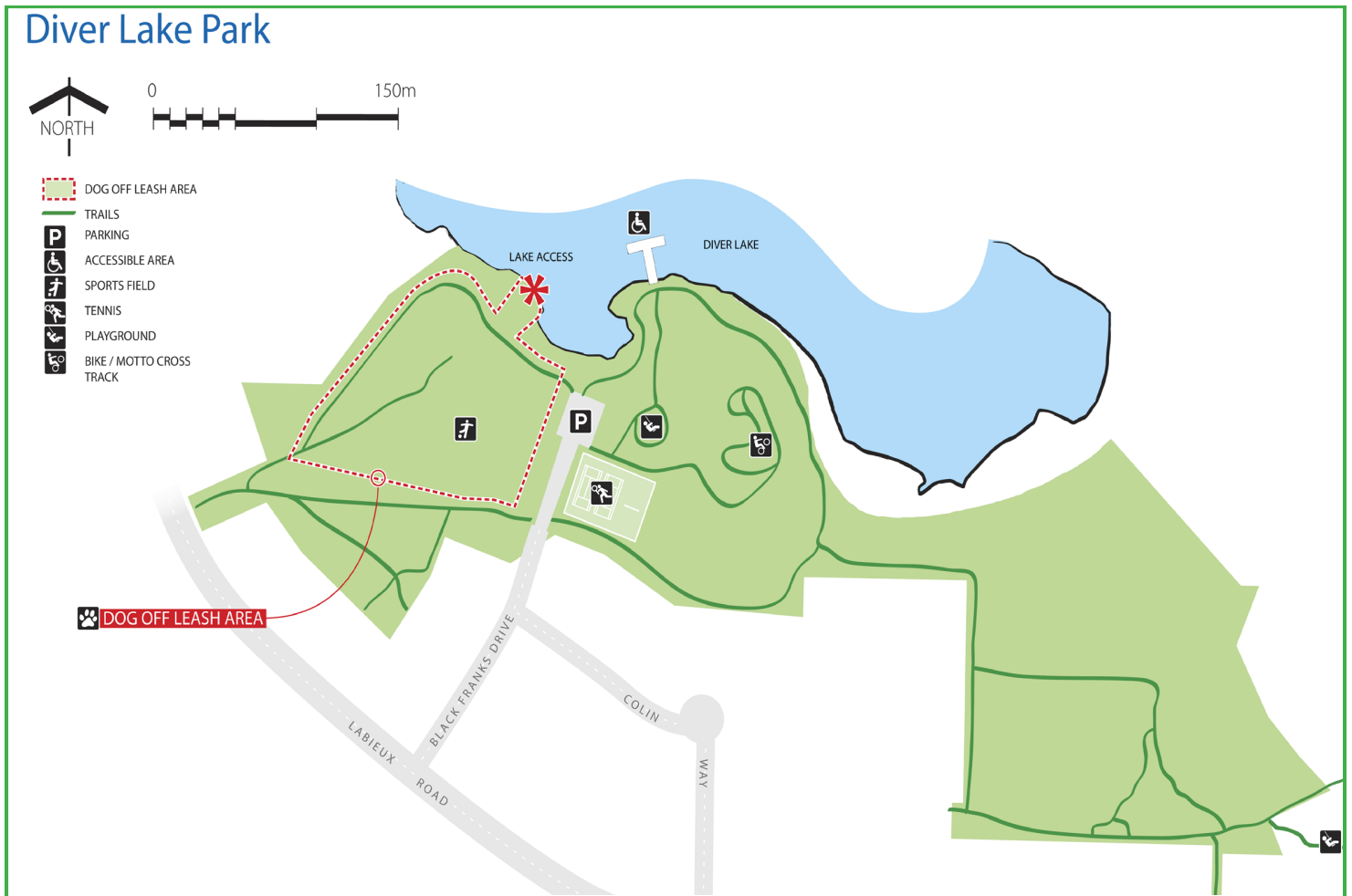


Schedule B  
Animal Responsibility Bylaw  
Designated Off-Leash Dog Area - Colliery Dam Park

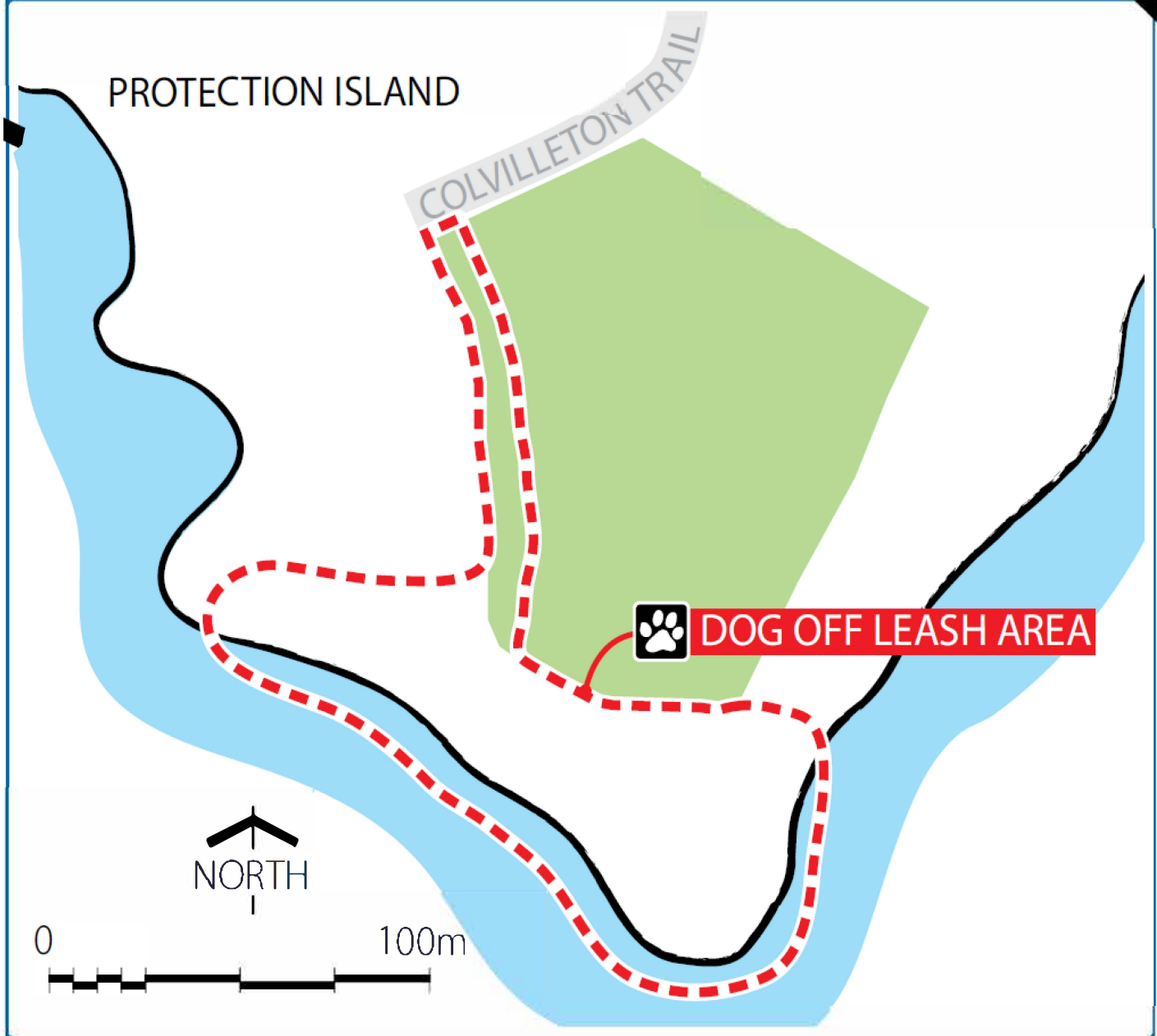
## Colliery Dam Park



Schedule B  
Animal Responsibility Bylaw  
Designated Off-Leash Dog Area - Diver Lake Park



## Gallows Point Park (access to water)

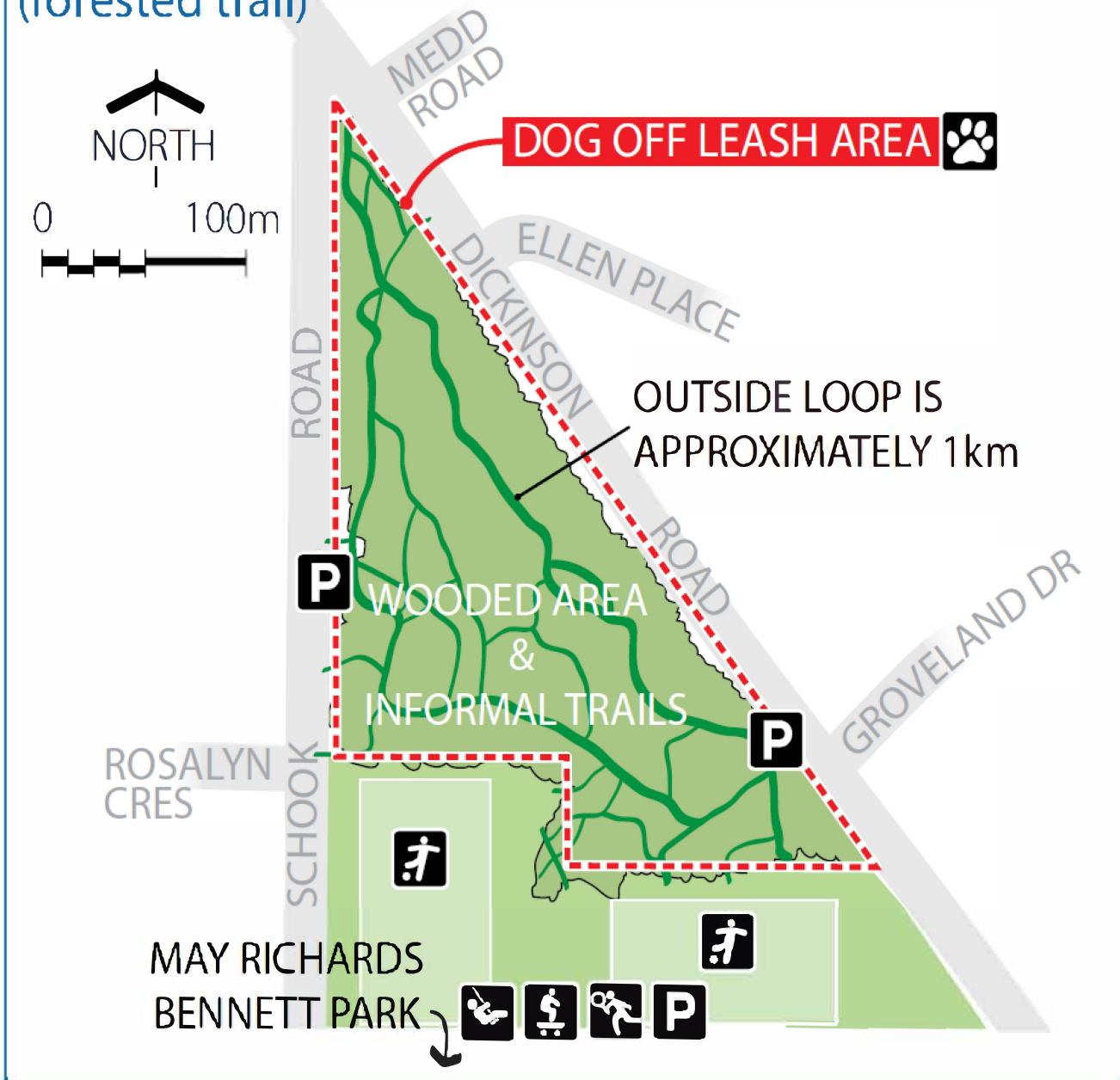


SCHEDULE B  
Animal Responsibility Bylaw  
Designated Off-Leash Dog Area - Invermere Beach

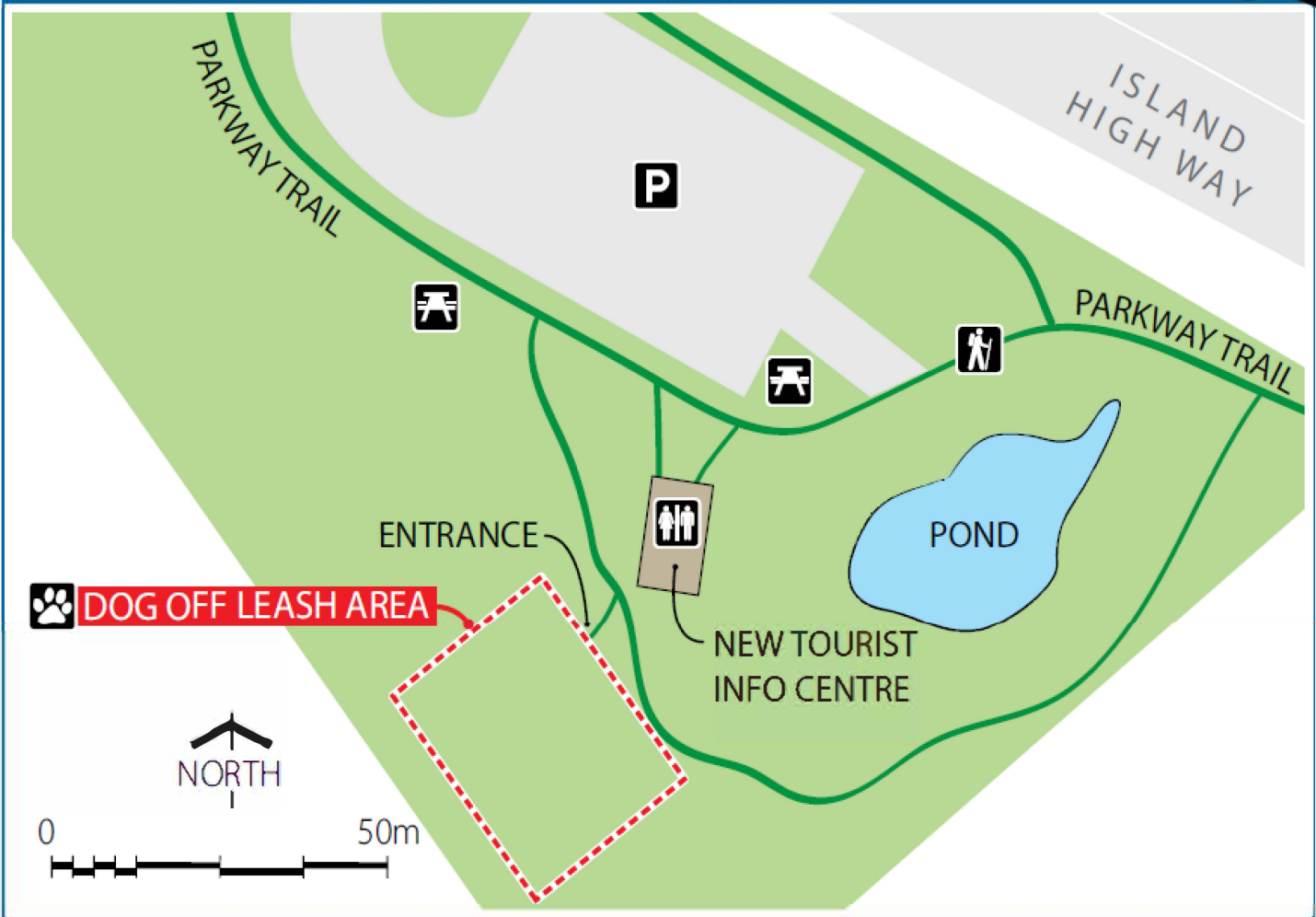


# May Richards Bennett Pioneer Park

(forested trail)



## Northfield Rest Stop & Park (fully fenced)

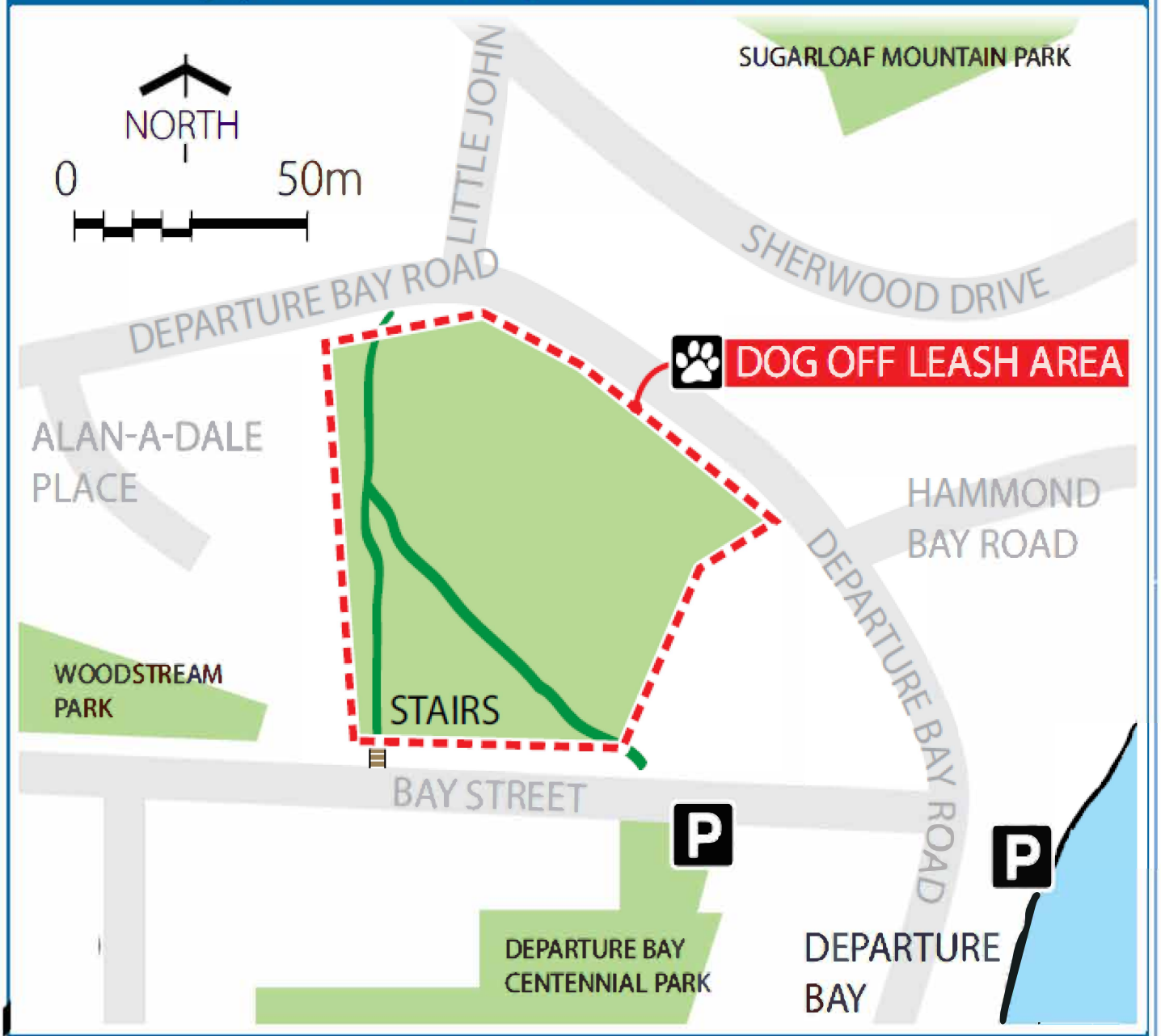


SCHEDULE B  
Animal Responsibility Bylaw  
Designated Off-Leash Dog Area - St. George Ravine Park

St. George Ravine Park



## Wardropper Park (fully fenced)





# **“LICENCING AND CONTROL OF ANIMALS BYLAW 1995 NO. 4923”**

*Consolidated Version*

2017-JAN-09

Includes Amendments: 4991, 5285, 5399, 5431, 5727, 4923.06, 4923.07, 4923.08, 4923.09,  
4923.10, 4923.11

CITY OF NANAIMO

BYLAW NO. 4923

A BYLAW TO PROVIDE FOR THE LICENCING AND CONTROL OF ANIMALS  
WITHIN THE CITY OF NANAIMO

---

WHEREAS the Council may, pursuant to Section 524 of the *Municipal Act*, provide for the licencing of dogs and for the establishment and collection of licence fees; and

WHEREAS the Council may, pursuant to Section 932(q)-(s) of the *Municipal Act* control animals, prohibit cruelty to animals and provide for the destruction of animals suffering from an incurable disease; and

WHEREAS the Council may, pursuant to Sections 933(1)(d)-(i), (2)-(4) and 934.1 of the *Municipal Act* regulate or prohibit, by area, the keeping of animals, bees and kennels; control, impound and detain animals unlawfully at large; establish, maintain and operate a pound facility; regulate and fix fines and fees; sell or destroy impounded animals; and provide for the laying of an information pursuant to the *Municipal Act* and the *Offence Act*.

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited for all purposes as the "LICENCING AND CONTROL OF ANIMALS BYLAW 1995 NO. 4923".

Interpretation

2. In this Bylaw unless the context otherwise requires:

"Adequate Ventilation" (Bylaw No. 4923.10)	means fresh air ventilation by means of open windows or operating mechanical device that supplies fresh or cooled air.
"Animal Control Officer" (Bylaw No. 4923.10)	means any person appointed from time to time by Council to administer and enforce the provisions of this Bylaw and includes Bylaw Enforcement Officers and Peace Officers
"Animal" (Bylaw 5727)	includes a Dog, Cat, Household Animal, Rabbit, Deer, Poultry, Bird and Livestock.
"At Large"	means being elsewhere than on the lands or premises owned or occupied by the Dog Owner and not on a Leash.

"Bee"	means any of a various winged, hairy-bodied insects of the order Hymenoptera, characterized by specialized structures for gathering nectar and pollen from flowers.
"Bird"	means a member of the class Aves, which includes warm-blooded, egg-laying, feathered verebrates having forelimbs modified to form wings.
"Cat"	means a carnivorous mammal, Felis Catus or Felis Domesticus, domesticated as a pet, or any other animals of the family Felidae.
"Choke Collar" (Bylaw No. 4923.10)	means a slip collar or chain that may constrict around the animal's neck as a result of pulling on one end of the collar or chain and includes pinch or prong collars but does not include a martingale collar
"City"	means the City of Nanaimo.
"Collector"	means the collector of the City.
"Council"	means the Municipal Council of the City.
"Deer"	means a hoofed ruminant mammal of the family Cervidae.
"Dog" (Bylaw 5727)	means a male or female animal of the species canine.
"Dog Licence"	means a licence for a Dog for the current licencing year that has been paid for and that has been issued by the City.
"Dog Owner"	means any person: <ul style="list-style-type: none"> <li>(a) whose name appears on a Dog Licence;</li> <li>(b) who is in possession of a Dog;</li> <li>(c) who has the care, custody or control of a Dog; or</li> <li>(d) who possesses, harbours or allows a Dog to remain about a house, land or premises owned or occupied by that person.</li> </ul>
"Enclosure"	means a fence or structure of at least six (6) feet in height forming an enclosure capable of preventing the entry of a child under the age of 10 years and adequately constructed to prevent a Dog from escaping.
"Feral Rabbit" (Bylaw 4923.07)	means a domestic rabbit that is not harboured and confined to the owner's property as a pet.
"Highway"	includes every highway within the meaning of the <i>Highways Act</i> and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles and every place or passage-way owned or operated by the City for the purpose of providing off-street parking or for the use of pedestrian or bicycle traffic.
"Household Animal" (Bylaw 4923.06)	means a domesticated animal kept by a household, which is used or the product of which is used primarily and directly by the household and not for sale or profit, and includes dogs and cats, but specifically excludes Poultry and Livestock.
"Impounded"	means seized and delivered into the Pound or in the custody of the Poundkeeper.

"Leash"	means a line, thong or chain that does not exceed a length of 6 feet or 183 centimetres that is of sufficient strength to restrain a Dog without breaking.								
"Licenced Dog"	means a Dog that is wearing, either on its collar or harness, a metal tag on which is stamped figures corresponding to a Dog Licence for that specific Dog.								
"Licencing Year"	shall mean January 1st to December 31st in any year.								
"Livestock" (Bylaw 5727)	<p>means a domesticated animal normally raised or kept for food, milk or as a beast of burden and, without limiting the foregoing, includes:</p> <table><tr><td>cattle</td><td>mules</td><td>donkeys</td><td>oxen</td></tr><tr><td>goats</td><td>sheep</td><td>horses</td><td>swine</td></tr></table> <p>but specifically excludes dogs or cats.</p>	cattle	mules	donkeys	oxen	goats	sheep	horses	swine
cattle	mules	donkeys	oxen						
goats	sheep	horses	swine						
"Peace Officer" (Bylaw 4923.07)	means a bylaw enforcement officer or person appointed from time to time by resolution of the City of Nanaimo or an RCMP officer.								
"Poultry"	means a domestic fowl, a duck, a goose, a turkey, a pigeon, etc.								
"Pound"	means premises used by the Poundkeeper to harbour and maintain Animals pursuant to this Bylaw or any vehicle used by the Poundkeeper.								
"Poundkeeper" (Bylaw No. 4923.10)	means the person appointed as Poundkeeper by Council and any person or persons appointed from time to time by Council for the purpose of administering, enforcing and carrying out the provisions of this Bylaw								
"Rabbit"	means a burrowing gregarious herbivorous mammal of the hare family.								
"Restricted Dog"	<p>means:</p> <ul style="list-style-type: none"><li>(a) a Pit Bull Terrier, an American Pit Bull Terrier, a Pit Bull, a Staffordshire Bull Terrier or an American Staffordshire Terrier; or</li><li>(b) a dog of mixed breeding which breeding includes the blood line of the breeds referred to in (a).</li></ul> <p>A Dog is not a "Restricted Dog" if the Dog is registered with the Canadian Kennel Club, the burden or proof of which registration is on the Dog Owner or the Dog/Dog Owner has successfully completed the tests required to qualify for the Canine Good Citizen (CGC) Certification. (Bylaw 5399)</p>								
"Tether or Tethering" (Bylaw No. 4923.10)	means to be hitched, tied or fastened by a securing device.								
"Unlicenced Dog"	means a Dog which is not a Licenced Dog.								
"Vicious Dog"	<p>means a Dog which</p> <ul style="list-style-type: none"><li>(a) has bitten a human without provocation;</li><li>(b) has bitten an Animal without provocation; or</li><li>(c) has a known propensity, tendency or disposition to attack or aggressively pursue without provocation a human, or an Animal; or</li><li>(d) a Restricted Dog.</li></ul>								

### 3. General

- (1) The Council does hereby authorize:
  - (a) the establishment, maintenance and operation of facilities for the impounding of Animals at such place or places and upon such premises, as the Council may determine, by resolution.
  - (b) the appointment, by resolution, of a Poundkeeper to maintain and operate the Pound or Pounds established under this Bylaw.
  - (c) the making of an agreement with such persons, firms, societies or corporations as may be fit for the purpose of maintaining and operating a Pound, for regulating the conduct of the Pound, and providing for the collection, distribution and payment of revenue and expenditures derived from the operation of the Pound.
- (2) Any Poundkeeper in charge of the Pound shall impound and detain all Animals delivered to him and shall furnish them with reasonable food, water, shelter and care.
- (3) The raising or slaughter of household animals for meat or consumption is prohibited. (*Bylaw 5727*)

### PART I - CONTROL, PROTECTION, LICENCING AND IMPOUNDING OF DOGS (*Bylaw 4923.10*)

#### 4. Control of Dogs

Except as otherwise permitted by this Bylaw:

##### Offences

- (1) A Dog Owner shall not permit, suffer or allow a Dog to be At Large.
- (2) A Dog Owner of a Vicious Dog or a Restricted Dog shall at all times, while the dog is anywhere else than on lands or premises owned or occupied by the Dog Owner, keep the Dog muzzled to prevent it from biting another Animal or human. (*Bylaw 4991*)
- (3) A Dog Owner of a Vicious Dog or a Restricted Dog shall at all times, while the Dog is on land or premises owned or occupied by the Dog Owner, keep the Dog securely confined either indoors or in an Enclosure.
- (4) Notwithstanding Section 4(2) of this Bylaw, the Dog Owner of a Vicious Dog or Restricted Dog which is participating in dog training or dog trials held by or sanctioned by the Association of Island Obedience Clubs or the Canadian Kennel Club is exempt from Section 4(2) while participating in such events, the burden of proof of which participation is on the Dog Owner.
- (5) A Dog Owner shall not permit, suffer or allow a Dog to be in a City cemetery, more particularly 555 Bowen Road, 1598 Townsite Road (Chinese Cemetery) or 4700 Ledgerwood Road (Wellington Cemetery). (*Bylaw 5285*)
- (6) Any owner, harbourer, or possessor of a vicious dog shall advise the Poundkeeper within one (1) week of any change of address within the City of Nanaimo which involves the relocation of the dog. (*Bylaw 5399*)

5. Licencing of Dogs

Offences

- (1) No person shall own, possess or harbour an Unlicensed Dog within the boundaries of City.

Requirements

- (2) A person who owns, possesses or harbours any Dog before the first day of January in each year, shall obtain a Dog Licence in accordance with the provisions of this Bylaw.
- (3) A Dog Licence issued pursuant to this Bylaw is valid for the Licencing Year in which it is purchased and shall expire on the 31st day of December in that Licencing Year.
- (4) Applications for and the issuance of a Dog Licence shall be the responsibility of the Collector, the Poundkeeper and such other persons as may be appointed by Council.
- (5) Every person who obtains a Dog Licence shall be given a metal tag which shall be, at all times, fastened to a collar or harness worn by the Dog for which the Dog Licence was obtained.
- (6) The number on the Dog Licence shall correspond to the stamped number on the metal tag.
- (7) Any person holding a licence under the provisions of the *Livestock Protection Act* or under a Bylaw of any other municipality of the Province of British Columbia shall not be liable to pay any Dog Licence fee pursuant to this Bylaw with respect to the same Dog for the unexpired portion of the period for which such Dog Licence shall have been issued. This provision shall not apply to any person who has obtained such licence elsewhere than from the City while residing within the City.
- (8) Where a Dog Owner finds that the metal tag issued by the City has been lost, destroyed or mutilated, the Dog Owner shall acquire for the remainder of the current licencing year a replacement tag, upon producing proof of purchase of a valid Dog Licence and upon payment of a prescribed fee.
- (9) The Dog Licence fees pursuant to this Bylaw shall be those set out in Schedule 'A' attached to and forming part of this Bylaw.
- (10) Notwithstanding Section 5(1) and Section 5(2) of this Bylaw, the following Dogs need not have a Dog Licence:
- (a) a trained guide Dog owned or utilized by a blind person; and
  - (b) a Dog owned and utilized as an R.C.M.P. service dog.
  - (c) a Dog under the age of 12 weeks. (*Bylaw 5727*)

6. Care and Standards (*Bylaw No. 4923.10*)

No person shall cause, allow or permit a dog to be:

- (1) confined in a vehicle where there is no adequate ventilation or where the internal vehicle temperature exceeds twenty-three (23) degrees celsius.
- (2) tethered to a fixed object in such a way that the dog is able to leave the owner's property.
- (3) tethered to a fixed object or vehicle where:
  - (a) a choke collar forms part of the securing apparatus, or
  - (b) where a rope, cord or chain is tied directly around the dog's neck; or,
  - (c) the collar is not properly fitted or attached in a manner that will not injure the dog or enable the dog to injure itself by pulling on the tether.
- (4) tethered to a fixed object except with a tether of sufficient length to enable the full and unrestricted movement of the dog.
- (5) tethered to a fixed object for longer than nine (9) hours within a 24 hour period.
- (6) tethered to traffic control device or support thereof; any fire hydrant or fire protection equipment, handrails or any other object in such a way as to obstruct the public or create a nuisance.
- (7) tethered within three (3) metres of an entrance or exit from any public building
- (8) transported in a vehicle outside of the passenger compartment unless the dog is:
  - (a) confined in a pen or cage which is securely fastened to the vehicle, or,
  - (b) secured in a body harness or tethered pursuant to Section 6(3) of this Bylaw; or,
  - (c) within a closed vehicle canopy;

to prevent it from jumping or falling off the vehicle or otherwise injuring itself.

7. Impounding (Bylaw No. 4920.10)

- (1) The Animal Control Officer may seize and impound any dog which is found by him to be at large within the City.
- (2) The Animal Control Officer, upon seizure and impoundment of a dog at large, shall make every effort to inform the dog owner, if known, that the dog has been seized and impounded.
- (3) The Animal Control Officer, where it is believed that a dog is subject to suffering, may impound the dog and:
  - (a) transport the dog to a veterinarian and where the veterinarian determines that the dog's suffering cannot be reasonably addressed the dog may be destroyed in a humane manner; or,
  - (b) where the veterinarian determines that the dog's suffering may be addressed, the dog may be treated and released to the owner upon payment of the impound fees.
- (4) If a dog is impounded pursuant to this section and not claimed by the owner within 72 hours of notification or attempted notification in any manner, the dog shall be destroyed or adopted for sale.

- (5) The Poundkeeper shall maintain a log book, in which will be recorded the description of every dog impounded; the name of the person who impounded the dog; the time and location of the impoundment; all fees and costs owing and the adoption information or manner of disposal of the impounded dog.
- (6) The impoundment and maintenance fees for dogs, shall be those set out in Schedule 'B', attached to and forming part of this bylaw.

## PART II - CONTROL AND IMPOUNDING OF LIVESTOCK, POULTRY, AND RABBITS

### 8. (a) Control of Livestock

#### Offences

No person shall suffer or permit any Livestock owned by him or in his charge to:

- (1) stray or trespass on a Highway;
- (2) stray or trespass in a public place;
- (3) stray or trespass on private property;
- (4) graze on unfenced land, unless they are securely tethered.
- (5) be in any City cemetery, more particularly 555 Bowen Road, 1598 Townsite Road (Chinese Cemetery) or 4700 Ledgerwood Road (Wellington Cemetery). *(Bylaw 5285)*

### (b) Control of Poultry/Rabbits

#### Offences

No person shall suffer or permit any Poultry or Rabbits owned by him or in his charge to:

- (1) stray or trespass on a Highway;
- (2) stray or trespass in a public place;
- (3) stray or trespass on private property;
- (4) graze on unfenced land;
- (5) be released or abandoned on land within the municipality. *(Bylaw 4923.07)*

### (c) Control of Bees

#### Offences

- (1) No person shall keep or harbour Bees in excess of three (3) beehives on any parcel of land under one (1) acre.
- (2) On parcels of land greater than one (1) acre, no person shall keep or harbour Bees in excess of three (3) beehives per acre.
- (3) No restrictions shall apply to parcels of land zoned agriculturally (A-1, A-2 or A-3).

9. (a) No person shall keep or harbour any Livestock, Poultry or Rabbit on any parcel of land unless the said parcel has an area of not less than one (1) acre.



- (b) Notwithstanding Section 8(a) of this Bylaw, a person who is a member of a certified pigeon racing club may keep up to a maximum of fifty (50) racing pigeons, the burden of proof of which membership in a certified pigeon racing club is on such person.
- (4923.08)(c) Notwithstanding Section 8(a), a maximum of six (6) chickens or ducks may be kept on a lot less than 0.4 Hectares (1 acre) in size but where the lot is less than 450 m<sup>2</sup> (4843.75 ft<sup>2</sup>) no more than four (4) chickens or ducks may be kept, provided that:
  - (1) No roosters, cocks, or cockerels, or peacocks, and the like, are kept on the property;
  - (2) A minimum enclosure of 0.37 m<sup>2</sup> (4 ft<sup>2</sup>) must be provided per chicken or duck;
  - (3) Any structure containing chickens or ducks, whether portable or stationary is subject to the setback requirements of the zone;
  - (4) Structures housing chickens or ducks must be kept clean, dry, and free of odours;
  - (5) Areas within and around structures are kept free of vermin;
  - (6) Any diseased chicken or duck is killed and the carcass destroyed;
  - (7) No slaughtering of chickens or ducks occurs on the property;
  - (8) Chicken and duck manure and waste products are composted or disposed of to prevent odours; and,
  - (9) Chickens or ducks are not permitted within a dwelling unit.

10. Impounding of Livestock, Poultry, Rabbits and Bees

- (1) The Poundkeeper or any other designated person may seize and impound Livestock, Poultry, Rabbits or Bees found in contravention of Sections 7 and 8 of this Bylaw.
- (2) Impounded Livestock, Poultry or Rabbits may be reclaimed by their owner, upon proof of ownership and paying to the Poundkeeper the impoundment fees and maintenance fees for Livestock, Poultry or Rabbits as set out in Schedule 'C'.
- (3) The Poundkeeper shall inform the owner, if known, of the impoundment of their Livestock, Poultry or Rabbits.
- (4) If, after the expiration of not less than seventy-two (72) hours, the Impounded Livestock, Poultry or Rabbits have not been claimed and the impoundment fees and the maintenance fees not paid, the Poundkeeper may destroy or advertise for sale such Livestock, Poultry or Rabbits by public auction, for the best price that can be obtained provided such price exceeds the amount of the impoundment fees and the maintenance fees.
- (5) A sale shall be deemed to be duly advertised by publishing notice of the sale in at least one issue of a newspaper circulating in the City. There shall be at least three (3) business days between the date of the notice and the date of the sale.
- (6) The Poundkeeper shall maintain a log book in which he shall record the number and description of Impounded Livestock, Poultry or Rabbits; the date, time and location of the impoundment; and the impoundment fees and maintenance fees owing.

11. No person shall feed a deer or feral rabbit within the municipality.

#### PART IV - CATS

12. No person shall keep, harbour or have in his possession any Cat suffering from any infectious or contagious disease, unless such Cat is in isolation and under treatment for the cure of such disease.

#### PART V - ENFORCEMENT

13. The *Offence Act*, where applicable, shall apply to proceedings under this Bylaw.

14. Penalty

- (1) A person or property owner who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act of thing to be done in contravention or violation of this bylaw, or who fails to do anything required by this bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000.00 and not less than the fines prescribed in Schedule "D" of this Bylaw, the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* or *Offence Act*.

- (2) Each day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence

15. Inspection

The Poundkeeper may enter, at all reasonable times, upon any property subject to this Bylaw in order to ascertain whether this Bylaw is being obeyed.

16. Repeal

"LICENCING AND CONTROL OF ANIMALS BYLAW 1987 NO. 3230" and all amendments thereto is hereby repealed in its entirety.

SCHEDULE 'A'

CITY OF NANAIMO LICENCING AND CONTROL OF ANIMALS BYLAW

DOG LICENCE FEES

---

Dog Licence fees, pursuant to Section 5(9), shall be:

- (a) \$30.00 for each dog. An owner of a dog shall pay a Licence Fee for each year for which the dog owner had the dog and for which a licence was required. A licence fee shall be subject to a discount of \$5.00 if paid on or before the 28<sup>th</sup> day of February of the year in which the licence is effective. Each licence fee shall be payable for the licencing year in which the licence shall be applied for regardless of the date within that year when the application for the licence shall be made.
- (b) Notwithstanding (a) if a person becomes the owner of a dog after the 1<sup>st</sup> day of July in the licencing year, the fee shall be \$20.00.

*(Bylaw 4923.09, 4923.11)*

SCHEDULE 'B'

LICENCING AND CONTROL OF ANIMALS BYLAW

DOG IMPOUND FEES

---

A Dog Owner may reclaim their Impounded Dog upon proving ownership and upon paying to the Poundkeeper the following impound fees, maintenance fees and any overdue dog licence fees pursuant to Schedule 'A'.

- (a) An impoundment fee in respect of a Licenced Dog:
- |                                     |          |
|-------------------------------------|----------|
| - First impoundment                 | \$ 50.00 |
| - Second impoundment                | 100.00   |
| - Third and subsequent impoundments | 200.00   |
- (b) An impoundment fee in respect of an Unlicenced Dog:
- |                                     |           |
|-------------------------------------|-----------|
| - First impoundment                 | \$ 150.00 |
| - Second impoundment                | 200.00    |
| - Third and subsequent impoundments | 300.00    |
- (c) A maintenance fee in respect of each day or part of a day of the impoundment period
- |  |          |
|--|----------|
|  | \$ 15.00 |
|--|----------|
- (d) An impoundment fee for a Vicious Dog or Restricted Dog
- |                      |           |
|----------------------|-----------|
| - First impoundment  | \$ 500.00 |
| - Second impoundment | 1000.00   |
- (e) An impoundment fee in respect of a Vicious or Restricted Dog which has caused injury to a person or animal
- |  |            |
|--|------------|
|  | \$ 1000.00 |
|--|------------|
- (f) An impoundment fee in respect of a dog confined in a vehicle without adequate ventilation:  
(Bylaw No. 4923.10)
- |                              |           |
|------------------------------|-----------|
| - First Impoundment of a Dog | \$ 200.00 |
| - Subsequent Impoundment     | \$ 300.00 |

(Bylaw 4923.09)

SCHEDULE 'C'

LICENCING AND CONTROL OF ANIMALS BYLAW

LIVESTOCK, POULTRY OR RABBITS IMPOUND FEES

---

An owner may reclaim their Impounded Livestock, Poultry or Rabbit upon proving ownership and paying to the Poundkeeper, the following impound fees and maintenance fees for each:

(a) An impoundment fee in respect of:

- |                    |                            |
|--------------------|----------------------------|
| ( i) any Livestock | \$50.00 per day per animal |
| ( ii) any Poultry  | \$10.00 per day per animal |
| (iii) any Rabbit   | \$10.00 per day per animal |

(b) A maintenance fee in respect of each day or part of a day of the impoundment period:

- |                    |                            |
|--------------------|----------------------------|
| ( i) any Livestock | \$10.00 per day per animal |
| ( ii) any Poultry  | \$5.00 per day per animal  |
| (iii) any Rabbit   | \$5.00 per day per animal  |

SCHEDULE 'D'  
LICENCING AND CONTROL OF ANIMALS BYLAW  
FINE SCHEDULE

<u>Description of Offence</u>	<u>Section #</u>	<u>Amount of Fine</u>
Slaughter of household animals for meat or consumption	3(3)	\$ 500.00
Dog at Large	4(1)	100.00
Restricted/vicious dog not muzzled	4(2)	500.00
Fail to enclose restricted/vicious dog	4(3)	500.00
Dog in a cemetery	4(5)	100.00
Fail to advise Poundkeeper of change of address within one week	4(6)	100.00
Fail to licence a dog	5(1)	50.00
Fail to display a dog licence	5(5)	50.00
Dog without adequate ventilation ( <i>Bylaw No. 4923.10</i> )	6(1)	500.00
Dog able to leave property ( <i>Bylaw No. 4923.10</i> )	6(2)	100.00
Dog tethered incorrectly ( <i>Bylaw No. 4923.10</i> )	6(3)	100.00
Dog movement restricted ( <i>Bylaw No. 4923.10</i> )	6(4)	100.00
Dog tethered over allowable time ( <i>Bylaw No. 4923.10</i> )	6(5)	100.00
Dog tethered obstructing public ( <i>Bylaw No. 4923.10</i> )	6(6)	100.00
Dog tethered within 3 metres ( <i>Bylaw No. 4923.10</i> )	6(7)	100.00
Dog transported incorrectly ( <i>Bylaw No. 4923.10</i> )	6(8)	200.00
Livestock running at large	7(a)	50.00
Livestock in a cemetery	7(a)(5)	100.00
Poultry/rabbits running at large	7(b)	50.00
Release or abandon a rabbit on land within the municipality ( <i>4923.07</i> )	Sec. 7(b)(5)	100.00
Exceed maximum number of chickens or ducks	8(c)	100.00

Exceed 3 beehives under 1 acre	7(c)(1)	100.00
Exceed 3 beehives per acre	7(c)(2)	100.00
Keep livestock, poultry or rabbits	8(a)	100.00
Feed a deer or feral rabbit within the municipality ( <i>Bylaw 4923.07</i> )	10	100.00
Keep cat suffering from infectious disease	11(1)	100.00

## CHAPTER 4 RECOMMENDATIONS

This report has profiled the existing Animal Control Service at the City of Nanaimo, has identified a series of service-related issues for the City to address, and has outlined various changes for the City to consider. This final chapter of the report presents a set of recommendations that speak to the changes outlined. The chapter also provides comments on implementation.

### RECOMMENDATIONS

Figure 4.1 sets out recommendations for each of the issues examined in Chapter 3.

**Figure 4.1**  
**Recommendations by Issue**

Issue	Recommendations
<b>Dog Licencing</b>	<ul style="list-style-type: none"> <li>– THAT the City develop a communications strategy on the importance of licencing, and on licencing requirements, targeted at pet owners who need new licences, and at owners who must renew their existing licences</li> <li>– THAT the City enable new dog licences to be sold online at nanaimo.ca</li> <li>– THAT the City expand the number of sites at which new licences can be purchased in person, but only in the event that new licences cannot be offered for sale online</li> <li>– THAT the City develop a tiered approach to dog licence pricing with higher prices for intact dogs and aggressive dogs</li> <li>– THAT the City adopt a zero tolerance approach for failure-to-licence offences</li> <li>– THAT the City increase the failure-to-licence fee to <u>\$125</u> (<u>\$100</u> if paid within 14 days)</li> </ul>
<b>Scope of Service</b>	<ul style="list-style-type: none"> <li>– THAT the City transfer responsibility for dealing with animal carcasses, other than those of cats and dogs, to the City's public works crews</li> <li>– THAT the City transfer responsibility for dealing with dog-related noise complaints to the Animal Control Officers</li> </ul>



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SERVICE REVIEW

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Issue	Recommendations
	<ul style="list-style-type: none"> <li>&gt; This recommendation should be contingent on, and be implemented in conjunction with, a decision to transfer responsibility for dealing with animal carcasses, other than those of cats and dogs, to public works crews</li> </ul>
<b>Delivery Model</b>	<ul style="list-style-type: none"> <li>– THAT the City retain the contract-based service delivery model for the Animal Control Service</li> <li>– THAT the City issue a request for proposals in order to select a contractor to deliver the Animal Control Service under a new services agreement, which will take effect on September 1, 2020</li> </ul>
<b>Level of Service</b>	<ul style="list-style-type: none"> <li>– THAT the City provide the funding required to increase the number of Animal Control Officers by one full time equivalent (FTE) position</li> </ul>
<b>Pound &amp; Adoption Centre</b>	<ul style="list-style-type: none"> <li>– THAT the City renovate the Pound &amp; Adoption Centre facility</li> </ul>
<b>Cats in Nanaimo</b>	<ul style="list-style-type: none"> <li>– THAT the City require every owner of a cat to provide the cat with identification, such as a traceable tattoo or microchip, to enable the cat to be returned to the owner by Animal Control Service staff or another person</li> <li>– THAT the City require every owner of a cat that is permitted to go outside to have the cat spayed or neutered</li> <li>– THAT the City prohibit every owner of a cat from allowing the cat to be at large in a public place, or on another person's property, unless it is under the immediate charge and control of the owner or other person responsible for the animal</li> <li>– THAT the City, as part of any renovation of the Pound &amp; Adoption Centre, repurpose the north wing of the facility to serve as a "cat wing" for the proper intake, care, and impoundment of stray cats</li> <li>– THAT the City provide an appropriate, annual financial contribution in the form of a grant-in-aid to the not-for-profit Cat Nap Society to support the organization's work,</li> </ul>

Issue	Recommendations
	and to help ensure the sustainability of the Society as an agency focused on the control of feral cat populations
<b>Education</b>	<ul style="list-style-type: none"> <li>– THAT the City develop an education resource on responsible pet ownership, animal care, and the Animal Control Service, that can be made available to pet owners online and in hard copy at various locations</li> <li>– THAT the City develop a Pet Ambassador program, using funding from the Canada Summer Jobs Program, to engage with pet owners in high traffic public areas, and to educate the owners on the importance of responsible pet ownership, and the City's Animal Control Service</li> </ul>
<b>Licencing and Control of Animals Bylaw</b>	<ul style="list-style-type: none"> <li>– THAT the City, as part of its efforts to update the <i>Licencing and Control of Animals Bylaw</i>, incorporate the provisions identified in Figure 3.1 of the <i>Animal Control Services Review Report</i></li> </ul>

#### IMPLEMENTATION

At the time of writing, City officials are dealing with the impacts of the COVID-19 pandemic. The pressure on municipal finances that the City is experiencing, and is expected to continue to experience, may limit the number of initiatives that Council and staff are able to implement in 2020.

It is anticipated that the City may need to postpone implementation — or possibly even consideration — of some of the recommendations presented in Figure 4.1 until 2021. The need to postpone action may affect, in particular, recommendations such as those related to level of service that call on the City to provide additional financial resources to the Animal Control Service.

COVID-19 notwithstanding, it may be possible to proceed with several of the recommendations in 2020, if the City chooses to endorse them. Recommendations related to dog licencing, scope of service, service delivery model, and the *Licencing and Control of Animals Bylaw*, may be able to be implemented in 2020, along with several of the recommendations related to cats in Nanaimo. The recommendation to issue a request for proposals for a contractor to begin service on September 1, 2020, must be acted on in the immediate future.

## LICENCING AND CONTROL OF ANIMALS BYLAW

### Current Situation

The City has begun to review and modernize its current *Licensing and Control of Animals Bylaw*. As part of that effort, it will be important to ensure that any service changes from this report that are endorsed by the City are reflected in the bylaw updates. It will also be important to ensure that sections in the current bylaw that no longer reflect best practices in animal control are eliminated or revised.

### Changes to Consider

This report does not examine the current bylaw in detail, and does not provide a definitive list of changes to for the city to consider. Figure 3.1 does, however, identify and comment on some specific sections that the City may wish to include in its revisions.

**Figure 3.1**  
**Bylaw Changes to Consider**

Section	Topic	Comment
Preamble	<ul style="list-style-type: none"> <li>– sets out statutory authority for service</li> <li>– speaks to purpose of service</li> </ul>	<ul style="list-style-type: none"> <li>– opportunity to introduce and emphasize importance of responsible pet ownership</li> <li>– need to update statutory references</li> </ul>
Title	<ul style="list-style-type: none"> <li>– provides working title with emphasis on licensing and control</li> </ul>	<ul style="list-style-type: none"> <li>– opportunity to emphasize responsible pet ownership by including in working title</li> </ul>
Interpretation	<ul style="list-style-type: none"> <li>– identifies and defines key terms</li> </ul>	<ul style="list-style-type: none"> <li>– opportunity to modernize</li> <li>– consider removing reference to "Restricted Dogs", since no longer best practice (and not practicable) to target</li> <li>– consider changing "Vicious Dog" to "Aggressive Dog"</li> </ul>
Licensing of Dogs	<ul style="list-style-type: none"> <li>– sets out requirement for dogs to be licenced</li> <li>– makes reference to pricing in Schedule A</li> </ul>	<ul style="list-style-type: none"> <li>– need to restructure licence fees in Schedule A to differentiate between fixed and intact dogs, and to separate Aggressive Dogs</li> <li>– clarify that service dogs require licence, but at no cost</li> <li>– consider replacing permanent tag with annual coloured tags (different colour each year) to facilitate easy detection of current licences</li> </ul>
Care and Standards	<ul style="list-style-type: none"> <li>– section sets out restrictions on dogs in hot vehicles, tethering of dogs,</li> </ul>	<ul style="list-style-type: none"> <li>– opportunity to modernize section to reflect current best practices on tethering, and to add additional</li> </ul>

Section	Topic	Comment
	and transportation of dogs	standards of care (e.g., prohibitions against forcing dogs to run, while leashed, beside bicycles)
Cats	<ul style="list-style-type: none"> <li>– sets out requirements for cat owners to follow</li> <li>– only one single section in current bylaw</li> </ul>	<ul style="list-style-type: none"> <li>– opportunity to include provisions on identification, spaying and neutering, and cats at-large</li> <li>– need to include provisions on impoundment of cats</li> <li>– need to change impoundment fee schedule (Schedule B) to include impoundment fees and maintenance (boarding) fees, as well as ability to recover veterinary costs</li> <li>– impoundment fees should be tiered to reward and encourage sterilization</li> </ul>

**ANIMAL CONTROL  
SERVICE REVIEW**

**DRAFT REPORT**

**NEILSON**  
STRATEGIES

**APRIL 2020  
PAGE 39**



# New Model Animal Responsibility Bylaws

Version 3

September 2017



**BCSPCA**  
SPEAKING FOR ANIMALS



## Executive summary

Public health, safety, and environmental risks are key concerns for every municipality. Incidents involving cat overpopulation, dangerous dogs and exotic animals have created expectations for regulators to proactively address these issues. The BC SPCA has dedicated its expertise as British Columbia's oldest, and Canada's largest, animal welfare organization, to designing this package of model bylaws that will help municipalities address the root causes of animal-related issues in their communities. BC SPCA staff and volunteers with expertise in animal control, animal behaviour and welfare, wildlife management and the legal system collaborated on the production of these evidence-based model bylaws.

This package contains model bylaws on:

- 🐾 Animal control, including provisions to address dangerous dogs, exotic animals, animal licensing and identification, urban chickens and bees, livestock protection, hoarding, community cat colonies and basic standards of animal care.
- 🐾 Waste and attractant management, to address unintentional feeding of wildlife not covered by provincial wildlife regulations.
- 🐾 Business licensing, including licensing standards for animal breeders, boarders, service providers and pet stores.

## About the BC SPCA

The British Columbia Society for the Prevention of Cruelty to Animals (BC SPCA) has been protecting animals and advocating on their behalf for more than 120 years. Through its 36 branches, three veterinary hospitals, two spay and neuter clinics, one wildlife rehabilitation centre, a provincial call centre and its provincial office in Vancouver, the BC SPCA provides a wide range of services for more than 45,000 animals a year in distress and need around the province.

This document was prepared by Amy Morris, B.A., MPP in consultation with staff at the BC SPCA, municipal bylaw managers and lawyers.

For consultation and more information regarding these bylaws, email [bylaws@spca.bc.ca](mailto:bylaws@spca.bc.ca) or call 1-800-665-1868.

## Mission

To protect and enhance the quality of life for domestic, farm and wild animals in British Columbia.

## Vision statement

To inspire and mobilize society to create a world in which all animals enjoy, as a minimum, five essential freedoms:

- 🐾 Freedom from hunger and thirst
- 🐾 Freedom from pain, injury and disease
- 🐾 Freedom from distress
- 🐾 Freedom from discomfort
- 🐾 Freedom to express behaviours that promote well-being.

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## Introduction

The BC SPCA released the first edition of its model bylaw in 2009. Since that time, new issues have emerged and better solutions have been identified. This update to the model bylaw incorporates the most recent best practices for municipal policy-based on scientific evidence.

### Legality of bylaws related to animals

Municipalities are incorporated areas. Other than the City of Vancouver, municipalities in British Columbia are governed by the *Community Charter*. A municipality has the authority to provide any service that the council considers necessary or desirable, including **prohibiting and imposing requirements in relation to animals** in 8(3)(k). This is quite broad and allows for significant discretion in regard to animals. Part 3 Division 6 of the *Community Charter* specifically permits municipalities to establish classes of animals, to seize animals and to declare dogs dangerous. In *International Bio Research v. Richmond (City)*, 2011 BCSC 471, the Supreme Court of British Columbia held that, as long as there is a “municipal purpose” as outlined in section 7 of the *Community Charter*, a municipality is justified in passing bylaws related to animals. This section highlights that municipal purpose includes providing services and laws for community benefit, and fostering the economic, social and environmental well-being of its community.

Regional Districts provide governance and the delivery of services on a region-wide basis. They serve as the local government for residents and property owners in unincorporated rural areas. The *Municipal Act* gives the Province of British Columbia authority to issue Letters Patent to each Regional District. These official documents set out the political and administrative framework for the delivery of services, including any services related to animals. The *Municipal Act* specifically mentions the ability of Regional Districts to issue licences to a person who owns, possesses or harbours a dog (524). Municipalities can make bylaws in accordance with the *Community Charter* that supersede a Letter's Patent that also applies to their area.

### Why address welfare at the municipal level?

Issues related to public health and safety and pet welfare are important to the Canadian public.

**Municipal purpose:** Each year, the Union of British Columbia Municipalities sends resolutions to the Province to ask them to address issues related to animals. More often than not, the response from the Province is that the *Community Charter* already gives municipalities the ability to address the issue locally.

**Pilot project:** Successful bylaw pilot projects in municipalities with data on enforcement can be helpful in making the case that a province-wide approach is needed, and demonstrates the success of such an approach on a small scale.

**Ticketing authority:** The municipal authority to issue a ticket for a bylaw violation is an authority not granted to the BC SPCA. While most citizens are motivated to take action once they have adequate education, there are some who require enforcement action. Enforcement actions involving tickets can help to fund enforcement activities, and more importantly, be a strong motivator for a citizen to move to action.

**Shine light on animal abuse:** Municipalities without bylaws in place to address animal issues can also become known as a “safe haven” for people who neglect and abuse animals. The BC SPCA frequently encounters scenarios where a person facing enforcement action in one municipality for animal neglect will move to another with fewer regulatory bylaws.

The remainder of the bylaw package provides summaries on specific issues and bylaw recommendations to address these issues.



## Standards of care including hot cars and tethering

Animals who are poorly cared for can become a serious risk to community health and safety. Animals housed in unsanitary conditions are common sources of zoonotic disease (diseases that are transferable to humans) and animals raised in inadequate environments without proper socialization (e.g., confined in crates or tethered in backyards) are more likely to exhibit aggressive behaviour.

Bylaws that require basic standards of animal care allow bylaw officers to be proactive and address these issues of concern before an incident occurs. Sixty-eight municipalities in British Columbia have already instituted bylaws that require some basic standards of animal care. The adoption of such bylaws can be used to complement the provisions on animal care contained in the *Prevention of Cruelty to Animals Act*.

### Animal neglect and cruelty including fighting

In cases of welfare issues related to cruelty and neglect, the BC SPCA recognizes the importance of partnering with bylaw officers to address issues related to irresponsible owners. The *Community Charter* gives municipalities the ability to ticket for bylaw offenses, while authorized agents responsible for enforcing the *Prevention of Cruelty to Animals Act* are not able to issue related tickets. Bylaw officers can issue tickets for offenses related to standards of care and be in communication with BC SPCA animal protection officers for follow-up as required. Contact the BC SPCA Call Centre with any concerns or questions at 1-855-622-7722.

### Tethering and confinement

The BC SPCA strongly opposes the indiscriminate chaining, or other methods of tethering dogs, without due regard for their physical and/or psychological well-being. Dogs are social animals who require and thrive on companionship and interaction with people and other animals. Dogs can suffer immense psychological damage; they can become bored, anxious or frustrated and may show signs of aggression or destruction. Peer-reviewed studies have shown that dogs increase their aggression towards other dogs when tethered<sup>1</sup>

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<sup>1</sup> White, J., McBride, E.A. and Redhead, E. (2006). Comparison of tethering and group-pen housing for sled dogs. Universities Federation for Animal Welfare (UFAW) Conference 2006, London, UK, 13 Sep 2006. Accessed: <http://eprints.soton.ac.uk/55343> on November 14, 2008.

and that a significant proportion of fatal dog attacks (17%) are from dogs restrained on their own property<sup>2</sup>.

The BC SPCA recognizes that municipalities prefer to take a culturally relevant approach to regulating tethering and confinement, so as not to punish responsible owners. For ease of enforcement and to decrease safety risks to the dog and others, the BC SPCA recommends each municipality, at a minimum, include specific provisions 1.3 and 3.4 below in their bylaw.

### Animals in hot cars

Enforcing a bylaw related to animals in hot cars can be challenging. Each agency, including the police, the BC SPCA and the municipality, must balance both public expectation and resources. While the BC SPCA has the authority to remove animals in distress from vehicles, the Cruelty Investigations Department is 100% donor-funded and limited by having only 30 constables for the entire province and cannot issue tickets to guardians who are in violation of a municipal bylaw. Police and the RCMP have the ability to remove animals from vehicles and may have more agents for service delivery; however, they are often dealing with other high priority emergency response situations. Addressing the issue of animals in hot cars requires a multi-agency response, ideally with a bylaw officer attending to issue a ticket and to determine if the animal is licensed in accordance with the requirements of the licensing bylaw. Where necessary, the RCMP or the BC SPCA attends to remove the animal from the vehicle. The BC SPCA is supportive of updates to the *Community Charter* that would give bylaw officers authority to remove animals from vehicles, given the time-sensitive and serious nature of this issue.

The language of this provision (number 4 below) is written to allow for discretion based on the breed and animal type, recognizing that a dog with genetics from Egypt, for instance, will differ significantly to a dog with genetics from northern British Columbia. There is no specific temperature or amount of time that is deadly for all animals. Symptoms of heat stroke include exaggerated panting (or the sudden cessation of panting), excessive salivation, an anxious or staring expression, a rapid or erratic pulse, vomiting and diarrhea, weakness, muscle tremors, a lack of coordination, collapse, convulsions and death.

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<sup>2</sup>Sacks, J., Sinclair, L., Gilchrist, J., Golab, G.C., and Lockwood, R. (2000). Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998. *Journal of the American Veterinary Medical Association*, 217, 6.



### Choke, prong and shock collars

The BC SPCA does not support the use of devices and techniques that cause anxiety, fear, distress, pain or injury, such as choke chains, prong and shock collars. Recent scientific evidence demonstrates that dogs trained with choke, prong and shock collars are more likely to exhibit aggressive behaviour. Bylaws like this (6.3 below) can be enforced through the same monitoring already in place for off-leash areas and community patrols. Enforcement is best coupled with education around alternate training tools, such as front-clip harnesses and head collars.

## Bylaw

### Definitions

**“Animal”** means any member of the Kingdom Animalia excluding humans;

**“Enclosure”** means a structure forming a pen suitable to confine an animal; and

**“Owner”** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons’ house or premises or to whom a licence for an animal has been issued pursuant to this bylaw and where the owner is a minor, the person who is the legal guardian or has custody of the minor.

### Standards of Care

1. No person shall keep any animal in the municipality unless the animal is provided with:
  - 1.1 clean potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the animal’s normal growth and the maintenance of the animal’s normal body weight;
  - 1.2 food and water receptacles which are clean;
  - 1.3 the opportunity for regular exercise sufficient to maintain the animal’s good health, including daily opportunities for social contact with people or animals, to be free of an enclosure and exercised under appropriate control; and
  - 1.4 necessary veterinary care when the animal exhibits signs of pain, injury, illness, suffering, or disease.
2. No person may keep any animal which normally resides outside or which is kept outside for extended periods of time, unless the animal is provided with outside shelter:
  - 2.1 which ensures protection from heat, cold and wet that is appropriate to the animal's weight and type of coat;
  - 2.2 which provides sufficient space to allow the animal the ability to turn about freely and to easily stand, sit and lie in a normal position; at least one and a half (1.5) times the length of the animal in all directions, and at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus 10%;
  - 2.3 which provides sufficient shade to protect the animal from the direct rays of the sun at all times;

- 2.4 which contains dry bedding that will assist with maintaining normal body temperature; and
  - 2.5 which is regularly cleaned and sanitized and all excreta removed at least once per day.
3. No person may cause, permit or allow an animal:
- 3.1 to be hitched, tied or fastened to a fixed object in such a way that the animal is able to leave the boundaries of the owner's property; or
  - 3.2 to be hitched, tied or fastened to a fixed object where a choke, prong or shock collar forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck; or be tethered other than with a collar that is properly fitted to the animal and attached in a manner that will not injure the animal or enable the animal to injure itself by pulling on the tether; or
  - 3.3 to be hitched, tied or fastened to a fixed object except with a tether of sufficient length to enable the full and unrestricted movement of the animal; or
  - 3.4 to be hitched, tied or fastened to a fixed object unattended at any time; or
  - 3.5 to be hitched, tied or fastened to a fixed object for longer than four (4) hours within a 24 hour period.
4. No person shall keep an animal confined in an enclosed space, including a motor vehicle, without sufficient ventilation to prevent the animal from suffering discomfort or heat or cold-related injury. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times.
5. No person may transport an animal in a vehicle outside of the passenger compartment or in an uncovered passenger compartment, unless it is adequately confined to a pen or cage, or secured in a body harness or other manner of fastening to prevent it from jumping, falling off the vehicle or otherwise injuring itself.
6. No person shall permit an animal to suffer from thermal distress, dehydration, discomfort or exertion causing unnecessary pain, suffering or injury.
7. Notwithstanding any other provision of this bylaw, no person shall:
- 7.1 abandon any animal;
  - 7.2 in any way use poison, air pellet guns, bows and arrows, sling shots and the like on any animal;
  - 7.3 use choke, prong or shock collars or harsh physical or verbal corrections to train or restrain any animal;
  - 7.4 tease, torment, provoke, punch, kick or choke an animal;
  - 7.5 cause, permit or allow an animal to suffer; or
  - 7.6 train or allow any animal to fight.





## Standards of care for impounded animals

Research in the last 15 years highlights how short-term experiences can have a lasting effect on animals. In shelter situations, the care an animal receives each day is directly correlated to their physical and psychological well-being. Animals who have appropriate provisions of food and clean water, the opportunity for exercise and social enrichment, the provision of veterinary care, and separate spaces for sleeping, eating and eliminating have better outcomes than animals whose care is limited by issues related to inadequate space, staffing or budget. The *Canadian Standards of Care in Animal Shelters* is a national standard for animal impoundment facilities, which contains a list of minimum standards and best practices for the keeping of animals in a shelter environment. Facilities falling below minimum standards must take steps to rectify these deficiencies or work with a contractor who will assist them in addressing these minimum acceptable practices.

When performing euthanasia in a shelter, each individual animal must be treated with respect. A veterinarian with appropriate training and expertise for the species involved should be consulted to ensure that proper procedures are used. Any euthanasia method used in a shelter must quickly induce loss of consciousness followed by death, while ensuring the death is as free from pain, distress, anxiety, or apprehension as possible. The euthanasia method must be reliable, irreversible and compatible with the species, age and health status of the animal. Any agent or method that is unacceptable according to the AVMA Guidelines on Euthanasia is also unacceptable for use in shelters. The identity of each animal to be euthanized must be determined with certainty beforehand, including scanning multiple times for a microchip using a universal scanner and verifying that the animal is properly designated for the procedure. An assessment must be made of each animal's size, weight and temperament so the appropriate drug dose, needle and syringe size as well as restraint method can be used.

### Bylaw

#### Definitions

**"Animal"** means any member of the Kingdom Animalia excluding humans;

**"Animal Shelter Manager"** means any person appointed by the municipality as the animal shelter manager or any contractor who has entered into an agreement with the municipality to assume the responsibilities of the animal shelter manager pursuant to this bylaw, and includes the delegates of this person;

**"Impounded"** means seized, delivered, received, or taken into the custody of the municipality or in the custody of the animal shelter manager;

**“Owner”** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons’ house or premises or to whom a licence for an animal has been issued pursuant to this Bylaw and where the Owner is a minor, the person who is the legal guardian or has custody of the minor; and

**“Permanent Identification”** means identification for an animal in the form of a traceable tattoo or a microchip that contains the current contact information of the owner.

#### *Shelter Standards*

1. The animal impoundment facility shall ensure all “must” and “unacceptable” statements set out in the *Canadian Standards of Care in Animal Shelters: Supporting ASV Guidelines* are addressed. This document is available at (<https://www.canadianveterinarians.net/documents/canadian-standards-of-care-in-animal-shelters>).
2. The animal shelter manager shall ensure that all animals impounded under this bylaw receive sufficient food, water, shelter, exercise, social interaction and, if necessary, reasonable veterinary attention, and that the animals are not mistreated during seizure and impoundment.
3. During the impoundment period, the animal shelter manager shall provide veterinary care and pain control for an injured or ill impounded animal as may be necessary to sustain its life and relieve distress.
4. If an animal shelter manager considers that an impounded animal requires:
  - 4.1 a vaccination;
  - 4.2 flea treatment;
  - 4.3 worm treatment;
  - 4.4 examination by a veterinarian; or
  - 4.5 urgent veterinary care to alleviate any pain or suffering as recommended by a veterinarian, then the animal shelter manager can cause such care to be provided at the sole cost and expense of the animal’s owner.
5. During or following the impoundment period, the animal shelter manager must, in consultation with a veterinarian, take an animal to a veterinarian for euthanasia, where s/he reasonably believes:
  - 5.1 immediate veterinary treatment cannot prolong the animal’s life, or;
  - 5.2 prolonging the animal’s life would result in the animal suffering unduly, and;
  - 5.3 all reasonable efforts to contact the owner of the animal have failed.
6. Any euthanasia method used in a shelter must quickly induce loss of consciousness followed by death, while ensuring the death is as free from pain, distress, anxiety, or apprehension as possible. The euthanasia method must be reliable, irreversible and compatible with the species, age and health status of the animal. Any agent or method that is unacceptable according to the AVMA Guidelines on Euthanasia is also unacceptable for use in shelters.
7. The animal shelter manager is entitled to recover from the owner the cost of veterinary care provided while the animal was impounded, in addition to any other fees due to the municipality for the redemption of the animal.



## Hoarding and animal limits

Setting a limit to the number of animals that one household can provide care for is always going to be subjective. The size and type of animal, the caregiver's capacity to provide care and the size of the caregiver's property will all play a role in how many animals for whom it is possible to provide adequate care. The BC SPCA is supportive of having a limit that allows for enforcement in hoarding situations, while not penalizing the average pet guardian.



Enforcement also plays a significant role in addressing hoarding situations. Where a family is providing adequate care and is over the limit, an animal bylaw officer can choose to use education rather than issuing a ticket or seizing animals. In some cases, a person may be providing community assistance by caring for a friend's animal temporarily. If there are no concerns regarding licensing, welfare or public safety, the BC SPCA recommends leniency for caring and responsible animal guardians.

### Bylaw

#### Definitions

**“Animal Bylaw Officer”** means any person appointed by council as an animal control officer or bylaw enforcement officer;

**“Cat”** means the domestic cat *Felis catus*;

**“Community Cat”** means any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are exempt from licensing and are not considered to be stray or at-large;

**“Community Cat Caregiver”** means a person who, in accordance with a good faith effort to conduct Trap-Neuter-Return, provides care. This care includes providing food, shelter, or medical care to a community cat. However, community cat caregivers are not the owner or keeper of a community cat (see section Cat population control and feral cat colonies);

**“Dog”** means the domestic dog *Canis lupus*;

**“Licensee”** means any person or business entity who obtains a licence to operate and does operate a business that involves providing care for animals, other than a veterinary clinic, including pet stores, animal kennels, animal daycares, dog walkers and animal groomers; and

**“Small Animals”** means domestic ferrets, domestic mice, domestic pigeons, domestic rats, European rabbits (*Oryctolagus cuniculus*), gerbils, guinea pigs, hamsters and small birds (e.g., budgies, canaries, cockatiels, lovebirds).

#### Limit on Pets

1. No person shall keep or allow to be kept on any real property more than a total of six (6) cats and dogs over the age of twelve (12) weeks, and a reasonable number of small and aquatic animals, unless they are a licensee, community cat caregiver, veterinary clinic or animal shelter.

2. If a person is providing temporary care for more than a total of six (6) cats and dogs over the age of twelve (12) weeks, they shall notify the animal bylaw officer with the number and species of animals, reason and estimated length of time they will be providing care.



## Dangerous dogs and aggression

Dog aggression, while a natural behavior for dogs, can be a serious threat or harmful to public safety and other animals. A prevalent and divisive issue, it must be addressed if we are to create humane communities where humans and dogs co-exist and enrich each other's lives. The most effective approach to dealing with the issue of inappropriate canine aggression in our communities is to develop a coordinated strategy. Strategies for a municipality to adequately address aggression include:

- Animal control bylaws that promote spaying and neutering, make pet identification mandatory, restrict the keeping of poorly socialized backyard dogs and place the burden of responsibility for an animal's actions on the guardian, not the dog;
- Partnering with agencies that enforce provincial laws to address animal neglect, which contributes to canine aggression;
- Developing effective licensing schemes that regulate breeding facilities and pet stores, as these components of the animal sector play a critical role in the early socialization of pets;
- Registering dogs with aggressive behaviour through reporting by veterinarians, groomers, police, postal carriers, animal control officers, meter readers and humane organizations;
- Creating a centralized, accessible database for the recording of dog bite incidents;
- Requiring mandatory remediation of aggressive, vicious or dangerous dogs using humane, force free methods;
- Providing education on responsible pet guardianship, canine behaviour and dog bite prevention;
- Developing resources for guardians of dogs with aggression problems, including identifying professionals who can provide remedial measures for canine aggression that are in line with the BC SPCA's FAQ on "How to choose a dog trainer":  
<http://spca.bc.ca/dog-trainer/>

By implementing these recommended bylaws, municipalities can proactively address many of the predisposing factors to canine aggression problems in a community.



### Breed-specific restrictions are not a solution

The BC SPCA opposes breed specific restrictions, as commanding evidence<sup>345</sup> demonstrates that they do not adequately address the problem of dog aggression in a community.

Rather, the most effective way to address public safety concerns is for government, animal welfare organizations and other stakeholders to work together on multi-faceted strategies that identify and address the sources of dangerous dogs of all breeds.

The BC SPCA strongly recommends against breed banning for the following reasons:

- Breed-specific restrictions ignores the fact that aggressive behaviour can occur in any breed.
- Breed-specific restrictions do nothing to discourage irresponsible behaviour of people who breed, train, sell or possess dangerous dogs who are not named under the breed ban. To avoid breed-specific restrictions, people who want aggressive dogs will switch to other breeds or select cross-breeds that are difficult to classify.
- There are no efficient methods to determine a dog's breed in a way that can withstand legal challenge. Any breed-specific restriction inevitably results in the creation of subjective and arbitrary factors to determine breed.
- Breed-specific restrictions treads upon the rights of responsible dog guardians who cherish a non-aggressive pet whose breed may fall under the legislation.

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<sup>3</sup> Huitson, N.R. (2005). *An exploratory analysis of the emergence and implications of breed specific legislation: Knee-jerk reaction or warranted response?* (Master's thesis). Retrieved from Simon Fraser University Library.

<sup>4</sup> Clarke, N.M. & Fraser, D. (2013). Animal control measures and their relationship to the reported incidence of dog bites in urban Canadian municipalities. *Canadian Veterinary Journal* 54(2), 145-149.

<sup>5</sup> Ledger, R. A., Orihel, J.S., Clarke, N., Murphy, S., & Sedlbauer, M. (2005). Breed specific legislation: Considerations for evaluating its effectiveness and recommendations for alternatives. *Canadian Veterinary Journal*, 46, 735-743.

## Bylaw

*Adapted from City of Surrey Bylaw No. 19105*

### Definitions

**“Aggressive Behaviour”** means any behaviour by a dog that demonstrates a threat or harm directed at a person or animal and includes snarling;

**“Aggressive Dog”** means a dog that:

- a) has without justifiable provocation displayed aggressive behaviour toward a person or animal; or
- b) has without justifiable provocation caused a minor injury to a person or animal;

**“Animal”** means any member of the Kingdom Animalia excluding humans;

**“Animal Bylaw Officer”** means any person appointed by council as an animal control officer or bylaw enforcement officer;

**“Animal Shelter Manager”** means any person appointed by the municipality as the animal shelter manager or any contractor who has entered into an agreement with the municipality to assume the responsibilities of the animal shelter manager pursuant to this bylaw, and includes the delegates of this person;

**“At Large”** means:

- a) an animal located elsewhere than on the premises of the person owning or having the custody, care or control of the animal that is not under the immediate charge and control of a responsible and competent person;
- b) an animal located upon a highway or other public place, including a school ground, park or public beach, that is not secured on a leash to a responsible and competent person; or
- c) a vicious dog or dangerous dog that is on the premises of the owner that is not contained in an enclosure or securely confined within a dwelling;

**“Dangerous Dog”** means a dog that:

- a) has killed or seriously injured a person;
- b) has killed or seriously injured an animal while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog;
- c) has previously been deemed a vicious dog and has since attacked or caused injury to a person or animal after being deemed a vicious dog; or
- d) as defined in the Community Charter S.B.C. 2003 c. 26, as amended;

**“Dog”** means an animal of the canine species, irrespective of sex or age;

**“Dangerous Dog Enclosure”** means a fence or structure at least two (2) metres in height and two (2) metres in width, forming or causing an enclosure suitable to prevent unauthorized entry and suitable to confine a dog in conjunction with other measures taken by the owner. The enclosure must be securely enclosed and locked and designed with secure sides, top and bottom and must be designed to prevent the animal from escaping;

**“Identification”** means:

- a) a collar or tag worn by an animal which includes the name, current address and contact information of the owner;
- b) a traceable tattoo;
- c) a traceable microchip; or
- d) a valid licence tag issued by a local government in British Columbia;

**“Impounded”** means seized, delivered, received or taken into the custody of the municipality or in the custody of the animal shelter manager;

**“Guard Dog”** means a dog that is specifically trained for or used primarily for the purposes of guarding property, including residential, commercial and industrial property;

**“Muzzle”** means a humane basket-style fastening or covering device that is strong enough and well-fitted enough to prevent the dog from biting, without interfering with the breathing, panting or vision of the dog or with the dog's ability to drink;

**“Neuter”** means the sterilization of a male animal by removal of the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

**“Owner”** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons' house or premises or to whom a licence for an animal has been issued pursuant to this bylaw and where the owner is a minor, the person who is the legal guardian or has custody of the minor;

**“Permanent Identification”** means identification for an animal in the form of a traceable tattoo or a microchip that contains the current contact information of the owner;

**“Seize”** includes impound and detain;

**“Serious Injury”** means a physical injury to a person or animal that consists of deep punctures, lacerations in more than one direction, broken bones or an injury requiring stitches or cosmetic surgery;

**“Spay”** means the sterilization of a female animal by removal of the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association; and

**“Vicious Dog”** means a dog that:

- a) has without justifiable provocation caused a serious injury to a person or animal; or
- b) has a known propensity, tendency or disposition to attack without justifiable provocation; or
- c) has on more than one occasion caused a minor injury to a person or animal; or
- d) has while running at large, aggressively pursued or harassed a person without justifiable provocation, or has demonstrated a propensity, tendency or disposition to do so as deemed by an animal bylaw officer or animal shelter manager.

### *Aggressive Dogs*

1. If an animal bylaw officer receives a credible complaint that a dog has exhibited aggressive behaviour, that bylaw officer may issue the owner of that dog written notice of that complaint, such written notice to include the following:
  - 1.1 the date, place and circumstances of the events alleged;
  - 1.2 a warning that if the dog that is the subject of the complaint is found to have exhibited aggressive behaviour again, the dog could be deemed to be an aggressive dog; and
  - 1.3 a copy of the bylaw relating to aggressive dogs.
2. Where the owner of a dog has received a notice in the form set out in section 1 above and a bylaw officer receives another credible complaint that the dog has exhibited aggressive behaviour, the dog may be deemed to be an aggressive dog. An animal bylaw officer may issue a written notice to the owner of that dog advising the owner of the requirements of this bylaw with respect to aggressive dogs and which deems that dog to be an aggressive dog.
3. Every owner of an aggressive dog shall:
  - 3.1 secure the dog by a collar and leash that is a maximum length of one (1) metre when not on the owner's property;
  - 3.2 ensure that the dog is not running at large within the municipality at any time;
  - 3.3 keep the dog muzzled and on leash when in a designated off-leash area; and
  - 3.4 within fourteen (14) calendar days of receiving notice that their dog is an aggressive dog, ensure the dog has permanent identification and provide the permanent identification information to the municipality.
4. An owner, following a period of at least one (1) year from the date stated on the written notice deeming their dog an aggressive dog, may apply to the municipality for relief from the requirements of Section 2 provided that:
  - 4.1 the municipality has received no further complaints in regard to that dog's aggressive behaviour; and
  - 4.2 proof and documentation is provided that the owner and the dog have successfully completed a humane, force-free training course<sup>6</sup>, deemed acceptable by an animal bylaw officer as acting reasonably to address the dog's aggressive behaviour.
5. If a dog displays aggressive behavior again after relief has been granted, the requirements of section 2 shall apply in perpetuity.

### *Vicious Dogs*

6. Where a dog meets the definition of a vicious dog, an animal bylaw officer may issue written notice to the owner of that dog advising the owner of the requirements of this bylaw with respect to vicious dogs and which deems that dog to be a vicious dog.
7. Every owner of a vicious dog shall:

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<sup>6</sup> The Canine Good Neighbour Program offers demonstration of remediation: <http://www.ckc.ca/en/Raising-My-Dog/Responsible-Ownership/Canine-Good-Neighbour-Program>



- 7.1 secure the dog by a collar and leash that is a maximum length of one (1) metre when not on the owner's property;
- 7.2 ensure that the dog is not running at large within the municipality at any time;
- 7.3 ensure that the dog is not in a designated off-leash area in the municipality at any time;
- 7.4 keep the dog effectively muzzled to prevent it from biting another animal or human when not on the owner's property;
- 7.5 post a clearly visible sign at all points of entry onto any premises where the dog is being kept, temporarily or permanently, warning that there is a vicious dog on the premises;
- 7.6 at all times while the vicious dog is on the person's premises, keep the vicious dog securely confined indoors or confined outdoors in an enclosure; and
- 7.7 within fourteen (14) calendar days of receiving notice that their dog is a vicious dog, ensure the dog has permanent identification and provide the permanent identification information to the municipality.

#### *Dangerous Dogs*

- 8. Where a dog meets the definition of a dangerous dog, an animal bylaw officer may issue written notice to the owner of that dog advising the owner of the requirements of this bylaw with respect to dangerous dogs and which deems that dog to be a dangerous dog.
- 9. The owner of any dog that has been deemed a dangerous dog by written notice may, within fourteen (14) calendar days of issuance of that written notice, request in writing that the animal bylaw officer reconsider the decision. The request for reconsideration must be accompanied by:
  - 9.1 written reasons why the dog is not a dangerous dog; and
  - 9.2 a written assessment of the dog, prepared by a dog behaviour specialist within the last six (6) months.
- 10. If the written request for reconsideration referenced is received by the municipality within the time specified in Section 8, the animal bylaw officer may provide the owner and any complainant with an opportunity to make representations regarding the dangerous dog. The bylaw manager may confirm, reverse or amend the decision designating the dog as a dangerous dog and may cancel or modify any restrictions, requirements or conditions imposed by an animal bylaw officer and impose any new or additional restrictions, requirements or conditions as he or she deems necessary or appropriate in the circumstances.
- 11. No person shall own or keep any dangerous dog unless the dog is licensed as a dangerous dog with the municipality by an owner who is over nineteen (19) years of age, who has paid the applicable fee, and who keeps the dog in compliance with Sections 12-14.
- 12. The owner of a dangerous dog has fourteen (14) days to come into compliance with sections 12-13 of the bylaw, from the date the dog was deemed a dangerous dog.
- 13. In order to obtain a licence for a dangerous dog, an owner of a dangerous dog shall supply the following documentation to the municipality:
  - 13.1 completion of the dog licence application;
  - 13.2 written confirmation from a licensed veterinarian that this dog has been neutered or spayed;



- 13.3 written confirmation from a humane animal trainer approved by the municipality that the services of such trainer have been retained for the purpose of providing behavioural remediation to the dog;
  - 13.4 written confirmation that the owner has obtained a policy of liability insurance specifically covering any damages for injuries caused by the dog in an amount not less than five hundred thousand (500,000) dollars, and covering the twelve (12) month period during which licensing is sought;
  - 13.5 written confirmation that the dog has permanent identification with the permanent identification information outlined on the application; and
  - 13.6 payment of the dangerous dog licence fee.
14. Every owner of a dangerous dog shall:
- 14.1 secure the dog by a collar and leash that is a maximum length of one (1) metre when not on the owner's property;
  - 14.2 ensure that the dog is not running at large within the municipality at any time;
  - 14.3 ensure that the dog is not in a designated off-leash area in the municipality at any time;
  - 14.4 keep the dog effectively muzzled to prevent it from biting another animal or human when not on the owner's property;
  - 14.5 post a clearly visible sign at all points of entry onto any premises where the dog is being kept, temporarily or permanently, warning that there is a dangerous dog on the premises;
  - 14.6 at all times while the dog is on the person's premises, keep the dog securely confined indoors or confined outdoors in an enclosure with a roof and locked entry; and
  - 14.7 have the dangerous dog photographed and the photo retained at the animal shelter for identification purposes.
15. The owner of a dangerous dog shall promptly notify the municipality's animal shelter manager if:
- 15.1 the dog is found to be running at large; or
  - 15.2 the dog's owner or place of residence changes; or
  - 15.3 the dog is given away or dies.
16. If the owner of a dangerous dog is unwilling or unable to comply with the requirements of sections 12-14, the dog may be seized and impounded for a four (4) day holding period, after which the dog may be euthanized.
17. The owner of a dangerous dog may, within four (4) days of impoundment, request the release of a dangerous dog by submitting to the animal shelter manager a letter providing proof of his or her actions of remediation to the contraventions of this bylaw. It will be at the discretion of the animal shelter manager whether the owner meets the requirements of the bylaw. The animal shelter manager must provide a written decision within five (5) days to the owner that, a. the dog may be released as the owner meets the requirements of the bylaw, b. the owner has additional time to meet the requirements of the bylaw and an assigned timeline, or c. the dog will be euthanized.

#### *Guard Dogs*

18. Every owner of a guard dog shall prevent the guard dog from leaving the property of the owner by ensuring:

- 18.1 the guard dog is confined within the premises and these premises are reasonably secure against unauthorized entry;
- 18.2 the premises are completely enclosed by means of a two (2) metre fence constructed in accordance with municipal bylaws and any gates in such fence are reasonably secured against unauthorized entry;
- 18.3 the guard dog is securely confined in an area within the premises that is adequate to ensure that the guard dog cannot escape;
- 18.4 warning signs advising of the presence of a guard dog on the premises are posted, with lettering clearly visible from the lesser of the curb line of the property and fifteen (15) metres from the premises, and posted at each driveway or entranceway to the property and at all exterior doors of the premises; and
- 18.5 before bringing the guard dog onto the premises under control of the owner, notify the animal shelter manager, the Fire Department, the Bylaw Enforcement and Licensing Services Division and the police of the address of the property which the guard dog will be guarding, the approximate hours during which the guard dog will be performing guard duties, the breed, age, sex and licence number of the guard dog and the full names, addresses and telephone numbers of the owner and any other individual who will be responsible for the guard dog.

#### *Dangerous Dog Enclosure*

- 19. No person shall keep a dog in a dangerous dog enclosure unless all of the following requirements are met:
  - 19.1 the enclosure shall be a fully enclosed structure with a minimum dimension of two (2) metres in width, by four (4) metres in length and two (2) metres in height from the grade upon which the enclosure is constructed;
  - 19.2 the location of the enclosure shall be within a rear yard and shall meet the requirements for an accessory structure contained within the municipality's zoning bylaw, as amended from time to time;
  - 19.3 the enclosure shall include an outside shelter that conforms to the Standards of Care section of this bylaw;
  - 19.4 if the sides are not secured to the bottom of the enclosure, then the sides shall be embedded into the ground no less than thirty (30) centimetres or as deep as may be necessary to prevent the escape of the dog from the enclosure; and
  - 19.5 the enclosure must be regularly cleaned and sanitized and all excreta removed at least once a day.

## Licensing and identification

The increase in ownership, movement and variety of animals kept as pets has resulted in problems with public safety, disease control and stray, lost and stolen animals. Carefully legislated and well-implemented licensing and identification programs help to reunite pets and owners, reduce stress to individual animals and their owners, reduce municipal daily care costs and help with issues related to theft and dangerous dogs. The percentage of animals reunited with their owners in a community is directly connected to the quality of the licensing and identification program. Companies that provide specialized online services to help with licensing can also make a significant difference in the number of animals returned to their owners, as can be seen in the community of Kingston, ON.

### Permanent identification

The BC Pet Registry is owned and operated by the BC SPCA and is the only provincial pet identification (ID) registry in British Columbia (B.C.), created solely for the purpose of ensuring that all companion animals find their way home when they stray or are lost. By investing in permanent identification, BC Pet Registry aims to reverse a trend that sees thousands of animals enter shelters in our province each year, with no way to find their way home due to a lack of any form of permanent identification.

BC Pet Registry records the permanent identification information (any microchip, tattoo and/or license) of pets across the province. This program offers a centralized, secure database for guardians to register their pets and partner agencies (veterinary clinics and animal control/rescue groups) to search the database, ensuring that lost/stray animals will return home in greater numbers than ever before. To learn more about how to access the BC Pet Registry system, contact [info@bcpetregistry.ca](mailto:info@bcpetregistry.ca).

### Cat registration and licensing

The BC SPCA cares for more than 14,000 cats each year, approximately half of whom come to us as strays. While nearly every municipality in B.C. requires that dogs be licensed, very few have instituted cat licensing. For cat welfare to be improved in any community, regulatory and educational initiatives are needed. While cat licensing alone may not solve cat welfare and control issues, it can be a significant component of any community's efforts to address them.



Cat licensing has demonstrated a number of benefits for cats and people. Among the benefits documented to date are:

- Higher return-to-owner rates, resulting in lower rehoming and/or euthanasia rates for cats.
- Reduction of cat overpopulation by offering monetary incentives for spay/neuter through differential licence fees.

Licensing also represents a municipality's best opportunity to raise revenue for animal control services and associated programming, such as spay/neuter funds.

A municipality must consider the following options when implementing registration or licensing:

- Paid vs. Free
- Mandatory vs. Voluntary
- Lifetime vs. Annual
- Tag vs. No Tag

We present two models for licensing cats, the second which also applies to dogs, and recommend that civic institutions consult with their communities to determine what the best fit is for their own community.

## Bylaw

### Definitions

**"Animal Bylaw Officer"** means any person appointed by council as an animal control officer or bylaw enforcement officer;

**"Cat"** means the domestic cat *Felis catus*;

**"Dog"** means the domestic dog *Canis lupus*;

**"Neuter"** means the sterilization of a male animal by removal of the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

**"Owner"** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons' house or premises or to whom a licence for an animal has been issued pursuant to this bylaw and where the owner is a minor, the person who is the legal guardian or has custody of the minor; and

**"Spay"** means the sterilization of a female animal by removal of the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

### Identification

1. Every owner of a cat or dog shall affix, and keep affixed, sufficient identification on the cat or dog by a collar, harness, traceable tattoo, microchip or other suitable device such that a person finding

the cat or dog at large in the municipality can identify and contact the owner. The form of identification used must provide a means of determining the sterilization status of the cat or dog.

2. Every owner of a cat apparently over the age of three (3) months, shall provide evidence that the cat has identification that complies with this bylaw upon request by an animal bylaw officer.

*Option 1: Mandatory free lifetime registration without tag for cats*

1. No person shall own or keep any cat apparently aged three (3) months or more within the municipality unless such a cat is registered as provided by this Bylaw.
2. Any owner of a cat must register their cat by:
  - 2.1 submitting a registration application in the form provided by the municipality;
  - 2.2 ensuring that the cat has identification and that the identification information is provided to the municipality.
3. The municipality shall keep a complete registry of all cats, indicating the dates of registration, the name and description (where relevant, photograph) of each cat, and the name and address of each owner.
4. The owner of any registered cat shall, within thirty (30) days of the owner's change of address, notify the municipality of change of address.

*Option 2: Mandatory licensing*

1. No person shall own, keep, possess or harbour any dog or cat over the age of three (3) months in the municipality unless a valid and subsisting licence for the current calendar year has been obtained for the dog or cat.
2. If a dog or cat is required to be licensed pursuant to this bylaw, the owner of the dog or cat shall apply to the municipality for a licence. Upon receipt of the application and payment of the prescribed fee, the municipality shall issue a licence and for that licence year.
3. Where a licence tag is issued, the owner of a dog or cat for which a licence has been issued under this bylaw shall affix, and keep affixed, the licence tag on the dog or cat by a collar, harness, or other suitable device.
4. Where this bylaw provides for a reduced licence fee for a dog or cat that is neutered or spayed, the application shall be accompanied by a certificate signed by a veterinarian indicating that the dog or cat has been neutered or spayed.
5. The owner of any licensed dog or cat shall, within thirty (30) days of the owner's change of address, notify the municipality of the change of address.



## Cat population control and feral cat colonies

Cats play a number of roles in our society. For some, they are companions and for others, they serve to keep rodent populations at bay. Still others see them as a nuisance for the diseases they may carry and the bird populations they threaten. Cats can bring controversy to our communities. Historically, cats participated in human life by eating the mice and rats who came for people's food scraps. Over time, cats developed bonds with humans and were gradually domesticated as pets. Many owned cats, unlike dogs, are still genetically similar to wild cats.

Cats breed prolifically, especially when a group of community cats has access to a food source. The continued growth of these groups, without any intervention, can put public safety and wildlife at risk, while the cats themselves are at risk of poor welfare. Sterilization of 80% or more of the cats in a group and continued monitoring is the only proven method of decreasing the cat population. If cats are removed from an area and the food source is still available, more cats will fill the empty space. The BC SPCA recommends that communities take steps to address their cat overpopulation issues by implementing spay and neuter programs.

Guardians who are expected to house their cats exclusively indoors (second option of Cats At Large below) need to provide behavioural enrichment to ensure their cats remain active and psychologically stimulated. For more information, visit <http://spca.bc.ca/indoor-cats-vs-outdoor-cats/>.

### Bylaw

#### Definitions

**"Animal Bylaw Officer"** means any person appointed by council as an animal control officer or bylaw enforcement officer;

**"At Large"** means:

- a) an animal located elsewhere than on the premises of the person owning or having the custody, care or control of the animal that is not under the immediate charge and control of a responsible and competent person; or
- b) an animal located upon a highway or other public place, including a school ground, park or public beach, that is not secured on a leash to a responsible and competent person;

**"Cat"** means the domestic cat *Felis catus*;

**"Community Cat"** means any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are exempt from licensing and are not considered to be stray or at-large;

**“Feral Cat”** means a cat that is unsocialized to humans and has a temperament of extreme fear and resistance to contact with humans;

**“Community Cat Caregiver”** means a person who, in accordance with a good faith effort to conduct Trap-Neuter-Return, provides care. This care includes providing food, shelter or medical care to a community cat. However, community cat caregivers are not the owner or keeper of a community cat;

**“Community Cat Colony”** means a group of community cats that congregate, more or less, together as a unit and share the same food source;

**“Community Cat Program”** means the nonlethal process of humanely trapping, sterilizing, vaccinating where relevant to the community, providing some form of identification (ear-tip, tattoo or microchip) and returning cats to their original location; and **“Trap-Neuter-Return (TNR) Program”** means the same;

**“Eartipping”** means the removal of the ¼ inch tip of a community cat’s ear (usually left), performed while the cat is under anesthesia under the supervision of a licensed veterinarian;

**“Neuter”** means the sterilization of a male animal by removal of the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

**“Owner”** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons’ house or premises or to whom a licence for an animal has been issued pursuant to this bylaw and where the owner is a minor, the person who is the legal guardian or has custody of the minor;

**“Permanent Identification”** means identification for an animal in the form of a traceable tattoo or a microchip that contains the current contact information of the owner;

**“Spay”** means the sterilization of a female animal by removal of the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association; and

**“Trap-Neuter-Return (TNR) Program”** means the same as **“Community Cat Program”**.

#### *Cats At Large*

1. No owner shall permit a cat that is apparently over the age of six (6) months to be at large, unless such cat, if female, is spayed or if a male, is neutered.

*Or*

1. No owner shall permit a cat that is apparently over the age of six (6) months, which is owned, possessed or harboured by him or her, to be at large unless it is part of a community cat program.

#### *Community Cat Programs*

2. Trap-neuter-return shall be legal and permitted to be practiced by community cat caregivers, organizations and animal bylaw officers.
3. As a part of trap-neuter-return, spay or neuter and vaccination shall take place under the supervision of a licensed veterinarian.
4. A trapped eartipped cat, or one with permanent identification that indicates sterilization, will be released on the site where trapped unless veterinary care is required. An eartipped cat, or one with



permanent identification that indicates sterilization, received by a shelter or animal control will be returned to the location where trapped unless veterinary care is required.

5. Community cat caregivers may reclaim impounded community cats without proof of ownership solely for the purpose of carrying out trap-neuter-return and/or returning spayed or neutered community cats to their original locations.
6. A community cat caregiver who provides care to, has temporary custody of or returns a community cat to its original location while conducting trap-neuter-return is not deemed to have abandoned the cat.
7. Community cat caregivers are required to provide food, water and shelter on an ongoing basis and medical care as needed, in compliance with [Standards of Care](#) 1 and 2.

#### *Companion Animal Ownership*

8. Mandatory microchipping and registration do not apply to community cats.





## Urban chickens and urban bees



Local and sustainable food systems are a vital part of vibrant, healthy communities. Trade-offs can exist when permitting residents in urban areas to house hens and bees. Some of the issues include noise, swarms and attracting pests and wildlife such as flies, rodents, raccoons and bears. A well-managed system ensures that goals related to local food are met and risks are mitigated. Education is a crucial aspect of implementing bylaws with the possibility for neighbour-related conflicts (including our wild neighbours). Electric fencing, in provisions 4.14 and 6.6, may be required dependent on the bear issues in the municipality. The District of Squamish, for example, has a clear education program in place to provide guidance to residents who are interested in having hens on their property: <https://squamish.ca/our-services/animal-control/urban-hens/>.

### Bylaw

*Adapted from District of Squamish Bylaw No. 2335, City of Vancouver Bylaw No. 9150*

### Definitions

**“Animal Bylaw Officer”** means any person appointed by council as an animal control officer or bylaw enforcement officer;

**“At Large”** means:

- a) an animal located elsewhere than on the premises of the person owning or having the custody, care or control of the animal that is not under the immediate charge and control of a responsible and competent person; or
- b) an animal located upon a highway or other public place, including a school ground, park or public beach, that is not secured on a leash to a responsible and competent person;

**“Bees”** mean any insect of the species *Apis mellifera*;

**“Beehive”** means a structure which houses a colony of worker bees with a queen and drones;

**“Coop”** means a covered enclosed structure to shelter hens;

**“Farm Animal”** means any domesticated livestock, poultry or insect that is adapted to British Columbia’s climate and is limited to alpacas, cattle, chickens, donkeys, ducks, European rabbits, geese, goats, honeybees, horses, llamas, pigs, quail, sheep and turkeys;

**“Hen”** means a domesticated female chicken that is at least four (4) months old;

**“Pen”** means a fully enclosed outdoor space for hens;

**“Public Place”** includes any highway, sidewalk, boulevard, public space, park or any real property owned, held, operated or managed by the municipality;

**“Rooster”** means a domesticated male chicken;

**“Urban Beekeeping”** means the keeping, owning, or maintaining of beehives on a parcel of land occupied by a resident beekeeper. This does not include land zoned for agricultural use as defined by the Zoning Bylaw;

**“Urban Hen”** means a domesticated female chicken that is at least four (4) months old that is kept on a parcel of land occupied by a resident. This does not include land zoned for agricultural use as defined by the Zoning Bylaw; and

**“Wildlife”** means any undomesticated free-ranging animal.

#### *At Large*

1. No person shall permit any farm animal to be running at large unless under the immediate care and control of a competent person.
2. Where an animal, including farm animals, defecates on a highway, public place or lands of any person other than the owner of the animal, the person having care, custody or control of the animal, including farm animals, shall immediately remove the excrement and dispose of it in a sanitary manner.

#### *Keeping of Urban Hens*

3. The keeping of up to five (5) hens is permitted provided that no neighbourhood health, environmental or nuisance problems result. Universities are not restricted to the number of hens for educational purposes.
4. A person who keeps one (1) or more hens, up to a maximum of five (5), must:
  - 4.1 be a resident of the property where the hens are kept;
  - 4.2 keep no more than five (5) hens on any parcel of land despite the number of permissible dwelling units on that parcel;
  - 4.3 not keep a rooster;
  - 4.4 ensure that all hens are kept within a secure coop from sunset to 7:00 a.m.;
  - 4.5 ensure that each hen remains at all other times in a coop or pen;
  - 4.6 not permit a hen within a residential dwelling unit or on a balcony or deck;
  - 4.7 provide a coop and a pen each with a minimum of 0.37 square metres in floor area and 0.92 metres in height per hen;
  - 4.8 provide each hen with consistent access to a nesting box and its own perch that is at least fifteen (15) centimetres long;
  - 4.9 not keep a hen in a cage unless for the purposes of transport of the hen;
  - 4.10 ensure that the coop and pen are situated in a backyard only which has a continuous fence that is in accordance to the Zoning Bylaw;
  - 4.11 ensure that the coop is situated in accordance with the accessory building setbacks identified in the Zoning Bylaw;
  - 4.12 ensure that the coop and pen are situated at least three (3) metres away from any windows or dwelling doors;
  - 4.13 ensure that the coop and pen are fully enclosed by electric fencing and situated no less than one (1) metre from the electric fencing per the Zoning Bylaw;

- 4.14 maintain each coop and pen in good repair and sanitary condition, and free from vertebrate wildlife and obnoxious smells and substances;
- 4.15 construct, situate and maintain each coop and pen such that it is secure from other animals and prevents any rodent from harbouring underneath or within it or within its walls;
- 4.16 not sell any manure or meat derived from the hens;
- 4.17 secure all hen food that is stored outdoors from wildlife;
- 4.18 ensure the timely removal of leftover food, debris and manure from each coop and pen;
- 4.19 store manure within a fully enclosed structure in a manner that does not generate excessive heat or odour; ensuring that no more than 0.085 cubic metres (3 cubic feet) is stored at a time;
- 4.20 not deposit manure in the municipality's sewage or storm drain system and remove all other manure not used for composting or fertilizing;
- 4.21 not slaughter or euthanize a hen on the property;
- 4.22 not dispose of a deceased hen other than by delivering it to a veterinarian, a landfill in a sealed bag, a farm, an abattoir or other facility with the ability to lawfully dispose of the carcass;
- 4.23 not bury a hen on the property;
- 4.24 follow biosecurity procedures recommended by the Canadian Food Inspection Agency; and
- 4.25 register the hens with the animal bylaw officer.

#### *Keeping of Urban Bees*

- 5. The keeping of beehives is permitted provided that no neighbourhood health, environmental or nuisance problems result. Universities are not restricted to the number of beehives for educational purposes.
- 6. A person who keeps urban bees must:
  - 6.1 keep no more than:
    - 6.1.1 two (2) beehives on any parcel of land under 929 square metres (10,000 square feet) in size despite the number of dwelling units permissible on that parcel;
    - 6.1.2 four (4) beehives on any parcel of land over 929 square metres (10,000 square feet) in size and under 1394 square metres (15,000 square feet) in size despite the number of dwelling units permissible on that parcel;
    - 6.1.3 six (6) beehives on any parcel of land over 1,394 square metres (15,000 square feet) in size despite the number of dwelling units permissible on that parcel;
  - 6.2 be a resident of the property where the bees are kept;
  - 6.3 ensure that the beehives are situated in a backyard only which has a continuous fence that is 1.8 metres in height so as to ensure an appropriate flight path for bees;
  - 6.4 ensure that the beehives are situated in accordance with the accessory building setbacks identified in the Zoning Bylaw;

- 6.5 ensure that the beehives are situated in such a way that reasonably prevents access by wildlife;
- 6.6 ensure that the beehives are fully enclosed by electric fencing and situated no less than one (1) metre from the electric fencing per the Zoning Bylaw;
- 6.7 ensure that the entrances to the beehives are facing away from the closest neighbouring property;
- 6.8 maintain the bees in a condition that reasonably prevents swarming and aggressive behaviour;
- 6.9 ensure that immediate action is taken to end swarming or aggressive behaviour of the bees;
- 6.10 provide sufficient water for the bees that reasonably prevents them from seeking water on adjacent parcels of land;
- 6.11 post clear, visible signage on the parcel of land warning that bees and electric fencing are present; and
- 6.12 be registered with the apiculture registration system for British Columbia, coordinated by the BC Ministry of Agriculture. Under the authority of the Provincial Bee Act, a person must not keep bees or possess beehive equipment unless the person is registered.

#### *Seizure and Impoundment*

- 7. An animal bylaw officer may seize and impound any animal, including farm animals, at large.





## Wildlife feeding and attractant management

Risks to human health and safety and neighbourhood conflicts associated with food-conditioned wildlife are municipal issues that can be addressed with enforcement warnings and fines. Bylaws are required in conjunction with public education to ensure residents understand their role in attracting wildlife and the consequences of increased wildlife habituation (e.g., expensive and ineffective deer culls).

Many species of wildlife can be unnaturally attracted to communities and human residences, leading to conflict.<sup>7</sup> Common examples include deer, raccoons, skunks, squirrels, gulls, crows and even seals, where feeding by residents and tourists increases habituation of wildlife. Compost, garbage, pet food and even bird feeders will attract unwanted wildlife that can become a nuisance to residents through their increased presence, noise and droppings. Further, improper waste management and wildlife feeding can lead to increased rodent activity and public health concerns.

Managing waste for, and preventing feeding of, “dangerous wildlife” (bears, cougars, wolves and coyotes) only is regulated by the Province in section 33.1 of the *Wildlife Act*. Thus, managing attractants for all other wildlife species is a municipal responsibility.

Please note, sections 9(1)(c) and 9(3)(c) of the *Community Charter* require ministerial approval prior to a Council adopting a bylaw in relation to wildlife.

Provision 4 below may be optional depending on the proximity of the community to bear activity.

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<sup>7</sup> Dubois, S. & Fraser, D. (2013). A framework to evaluate wildlife feeding in research, wildlife management, tourism and recreation. *Animals*, 3, 978-994.



## Bylaw

*Adapted from District of Squamish Bylaw No. 2053, Village of Kaslo Bylaw No. 1070 and City of Kamloops Bylaw No. 3411*

### Definitions

**“Attractant”** means any substance or material, with or without an odour, which attracts or is likely to attract animals; and without limitation includes antifreeze, paint, food products, unclean barbecues, pet food, livestock and livestock feed, beehives, bird feeders, offal, improperly maintained composts, restaurant grease barrels, accumulation of fruit in containers or on the ground;

**“Songbirds”** means any Passerine, excludes Corvidae (e.g., crows, ravens and jays) and includes hummingbirds;

**“Waste”** means any discarded or abandoned food, substance, material, or object, whether from domestic, commercial, industrial, institutional or other use; **and**

**“Wildlife”** means any undomesticated free-ranging animal, exempting songbirds for the purposes of feeding.

### Wildlife Feeding

1. No person shall knowingly or willingly feed any wildlife, or in any manner provide them or allow access to food or any other edible substance.
2. No person shall store any attractant or waste in such a manner that it is accessible to wildlife.
3. No person shall attract wildlife onto a property such that these wildlife create a nuisance for other properties.
4. No person shall feed or provide access to food for songbirds between April and September, exempting liquid feeders.





## Exotic pets and farm animals

Exotic animals present serious public health and safety risks (e.g., disease, physical injuries) and devastating environmental effects through intentional abandonment and escapes (e.g., disease, competition and predation of native species) into both terrestrial and aquatic natural habitats. Although some exotic species will eventually die from starvation or predation when released into a novel environment, others can breed and thrive (e.g., bullfrogs, red-eared slider turtles, pike, carp and other fish) which can become costly to municipal water systems, lakes and ponds.

The Province enacted changes to the *Wildlife Act* in 2008 to prohibit the sale, breeding, importation and display of certain exotic animals in the *Controlled Alien Species Regulation*. This provincial legislation does not apply to thousands of exotic animal species kept in B.C. which remain a serious concern for municipalities. For example, invertebrates (e.g., scorpions, tarantulas) are not regulated by the Province and non-venomous snakes up to 10 feet are still allowed, as are kangaroos, zebras, serval cats, maras, capybaras, large exotic raptors, 200-pound sulcata tortoises invasive fish and invertebrates among many others.

Exotic animals never become domesticated and always retain their wild instincts even if born in captivity. As such, they suffer physically and psychologically under even well-intentioned human care. They may suffer from nutritional deficiencies, suppression of natural behaviours and social structures, inability to achieve natural light/temperature/humidity requirements, and a lack of specialized veterinary care. Often “fad” or “status” pets lose their appeal as they grow and become frustrated and stressed in care, and thus become serious challenges for animal control departments and municipal shelters as no suitable sanctuaries in B.C. exist. Further, most animal control departments do not have specialized training to handle, or appropriate enclosures to house, these exotic species.

As trends in exotic pet ownership change, every year new species of exotic animals are legally brought into the province, sold, bred and sometimes displayed publicly in communities. To ensure municipalities are safeguarded and animal welfare is protected, a “positive list” of “Allowable Animals” is recommended over a list of prohibited species which would need to be regularly amended. Enactment of a “positive list” with a fine structure for non-compliance would provide for clear and efficient enforcement, and can reduce nuisance complaints while protecting communities, pets, local wildlife and the environment.

Recognizing that some exotic animals are already living in communities, the intent of this bylaw is to prohibit the sale, breeding and display of exotic animals to decrease and eventually eliminate their presence in a community. The rehoming and adoption of certain rescued exotics as “Limited Animals” may be permissible to prevent abandonment. For questions regarding this bylaw in relation to specific species, please contact the BC SPCA directly at [bylaws@spca.bc.ca](mailto:bylaws@spca.bc.ca) for guidance and evidence.

Please note, sections 9(1)(c) and 9(3)(c) of the *Community Charter* require ministerial approval prior to a Council adopting a bylaw in relation to wildlife.

## Bylaw

*Adapted from City of Coquitlam Bylaw No. 3838*

**“Allowable Animals”** means a non-native animal, whether domesticated or bred in captivity, that is permitted to be owned, rehomed, adopted, bred, displayed, imported, or sold and is limited to cats (*Felis catus*), dogs (*Canis lupus*), domestic ferrets, domestic mice, domestic pigeons, domestic rats, European rabbits (*Oryctolagus cuniculus*), farm animals, freshwater fish, gerbils, guinea pigs, hamsters and small birds (e.g., budgies, canaries, cockatiels, lovebirds);

**“Animal”** means any member of the Kingdom Animalia excluding humans;

**“Controlled Alien Species”** means a non-native wild animal specified in schedules 1-4 of the *Controlled Alien Species Regulation* to the *Wildlife Act*;

**“Exotic Animal”** means a non-native wild animal, whether bred in captivity or live-captured and imported from outside of Canada;

**“Farm Animal”** means any domesticated livestock, poultry or insect that is adapted to British Columbia’s climate and is limited to alpacas, cattle, chickens, donkeys, ducks, European rabbits, geese, goats, honeybees, horses, llamas, pigs, quail, sheep and turkeys; and

**“Limited Animal”** means an exotic animal that is allowed only to be owned, rehomed or adopted and is limited to bison, camels, chinchillas, degus, hedgehogs, invertebrates, medium and large birds (e.g., African grey parrots, Amazon parrots, macaws, peafowl, emus), small reptiles and amphibians under two (2) metres adult size (e.g., certain snakes, bearded dragons, frogs, salamanders), saltwater fish, sugar gliders, water buffalo and zebras.

### *Exotic Pets and Farm Animals*

1. A person must only possess allowable animals.
2. A person is not permitted to sell, breed, import or display any animal, including limited animals, with the exception of allowable animals.
3. A person who, on the date of the adoption of this bylaw, was keeping any limited animal other than an animal whose ownership in captivity violates existing Provincial or Federal statutes, such as a controlled alien species, may continue to keep that animal under the following conditions until the animal has died or been euthanized:
  - 3.1 The limited animal is kept secure at the owner’s premises except for visits to a veterinarian’s office; and
  - 3.2 The limited animal is not used in a show, circus or for entertainment or educational purposes.





## Animal performances, exhibitions and display

Keeping wild and exotic animals in captivity and using them for performances or display was a common practice globally until recently, as scientific studies have revealed the significant negative effects on their welfare state. Over time, governments have also recognized that it is difficult, and at times impossible, to provide for the physiological, emotional and behavioural needs of these animals. Further, many municipalities have had to address public safety issues when captive wild animals or exotic animals escaped their enclosures and roamed at large.

The [Standards of Care](#) section of the bylaw pertains to all animals in the municipality, including those traveling through for public shows. The language in this bylaw specifically ensures that domesticated animals are differentiated from wild or exotic animals to aid municipalities when making decisions about allowing performances and educational displays in their community, be they temporary or permanent.

We recognize that there is still much to learn about the welfare needs of some types of animals in captivity (e.g., fish and marine invertebrates), and this bylaw takes into account these gaps in existing animal welfare research.

### Bylaw

*Adapted from City of Chilliwack Bylaw No. 2653*

#### Definitions

**“Allowable Animals”** means a non-native animal, whether domesticated or bred in captivity, that is permitted to be owned, rehomed, adopted, bred, displayed, imported, or sold and is limited to cats (*Felis catus*), dogs (*Canis lupus*), domestic ferrets, domestic mice, domestic pigeons, domestic rats, European rabbits (*Oryctolagus cuniculus*), farm animals, freshwater fish, gerbils, guinea pigs, hamsters and small birds (e.g., budgies, canaries, cockatiels, lovebirds);

**“Educational Display”** means showing animals to the public for the purposes of encouraging management and conservation of protected wild animals;

**“Farm Animal”** means any domesticated livestock, poultry or insect that is adapted to British Columbia’s climate and is limited to alpacas, cattle, chickens, donkeys, ducks, European rabbits, geese, goats, honeybees, horses, llamas, pigs, quail, sheep and turkeys; and

**“Wild or Exotic Animal”** means any native or non-native undomesticated free-ranging animal.

#### Animal Performance, Exhibition and Display

1. No person shall operate a circus, public show, exhibition, carnival or other display or performance (the “show”), whether temporary or permanent, in which any animal other than allowable animals are part of or otherwise accompanying the show.

2. No person shall operate an educational display, whether temporary or permanent, in which any wild or exotic animal, are on display, travelling with or otherwise accompanying the educational display. Exemptions include:
- 2.1 fish;
  - 2.2 marine invertebrates;
  - 2.3 raptors, where a permit has been issued through the B.C. *Wildlife Act* Permit Regulation for 'Falconry' or 'Public Display'; or
  - 2.4 the wild or exotic animal is housed at a Global Federation of Animal Sanctuary (GFAS) Verified Sanctuary or wildlife rehabilitation facility permitted by the B.C. *Wildlife Act* Permit Regulation to keep wildlife in captivity.





## Business licences for animal businesses

### Pet stores, daycares, groomers, boarding, breeding and dog walking

Pet stores, animal kennels, daycares, dog walkers and groomers take on considerable responsibility in caring for large numbers of animals on a daily basis. Owners and purchasers of animals experience a gap in information as to the conditions where the animals are bred and housed. Bylaws for animal kennels, daycares, dog walkers, groomers and pet store businesses must adequately address both the increased level of responsibility required as well as the issues related to information asymmetry.

Domesticated species of animals can make suitable companions when guardians are able to meet their needs. Birds, fish and other exotic and wild species require a level of care that the average animal caregiver cannot provide. These animals are frequently undersocialized, do not receive adequate veterinary care and are surrendered to municipal and BC SPCA shelters, resulting in significant costs.

The below provisions are based on evidence of an individual animal's needs as well as group care and health. While they are not individually referenced, content primarily derives from:

- [CVMA: A Code of Practice for Canadian Kennel Operations. \(2007, 2017 third edition forthcoming\).](#)
- [CVMA: A Code of Practice for Canadian Cattery Operations. \(2009\).](#)
- [Canadian Standards of Care in Animal Shelters: Supporting ASV Guidelines. \(2013\).](#)

### Animal Sales

It is nearly impossible to provide for the well-being of domestic animals when breeding, transporting and housing for sale through retail stores. The BC SPCA receives regular cruelty complaints about animals dying during transport or becoming ill or depressed in-store. Reputable breeders do not sell to pet stores. We recommend municipalities adopt *Option 1* in the Sale of Animals section below.

### Bylaw

*Adapted from City of Richmond Bylaw No. 7538, City of Vancouver Bylaw No. 4450, New Westminster Bylaw No. 7546 and Maple Ridge Bylaw No. 6908*

### Definitions

**“Allowable Animals”** means a non-native animal, whether domesticated or bred in captivity, that is permitted to be owned, rehomed, adopted, bred, displayed, imported, or sold and is limited to cats

(*Felis catus*), dogs (*Canis lupus*), domestic ferrets, domestic mice, domestic pigeons, domestic rats, European rabbits (*Oryctolagus cuniculus*), farm animals, freshwater fish, gerbils, guinea pigs, hamsters and small birds (e.g., budgies, canaries, cockatiels, lovebirds);

**“Animal”** means any member of the Kingdom Animalia excluding humans;

**“Animal Kennel”** means an establishment where animals are bred, raised, trained, or boarded;

**“Animal Daycare”** means short-term daytime care for animals;

**“Animal Groomer”** means a business where one or more individuals bathes, brushes, trims and provides other grooming services for domestic pets;

**“Dog Walker”** means a business where one or more individuals provides transport and walking services for one or more dogs;

**“Inspector”** means a person designated by the municipality to be responsible for enforcing this bylaw, except where otherwise provided;

**“Licensee”** means any person or business entity who obtains a licence to operate and does operate a business that involves providing care for animals, other than a veterinary clinic, including pet stores, animal kennels, animal daycares, dog walkers and animal groomers;

**“Licensing Officer”** means a person appointed by the municipality for the purpose of processing and issuing licences under this bylaw;

**“Neuter”** means to castrate a male animal by removal of the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

**“Pet Store”** means a business which sells, at premises of any nature (including a private dwelling), live animals other than those intended for food or farming purposes, or that keeps such animals in any such premises with a view to their being sold in the course of such a business, whether by the keeper thereof or by any other person;

**“Owner”** includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the persons’ house or premises or to whom a licence for an animal has been issued pursuant to this bylaw and where the owner is a minor, the person who is the legal guardian or has custody of the minor; and

**“Spay”** means the sterilization of a female animal by removal of the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

#### *Business Providing Care for Animals*

1. A licensee must ensure:

1.1 that cages or other places where animals are kept:

1.1.1 are maintained in good repair;

1.1.2 are clean and sanitary;

1.1.3 are regularly disinfected and free of offensive and disagreeable odours;

- 1.1.4 are free of all animal waste, which the operator must dispose of in an appropriate manner;
  - 1.1.5 are well ventilated;
  - 1.1.6 are proportionate to the size and species of animal being kept within and allow room for the animal to stand to its full height, turn around with ease, and perform any other normal postural or behavioural movement without distress;
  - 1.1.7 have separation between food, urination and defecation, and resting areas;
  - 1.1.8 are equipped with appropriate containers for food and water;
  - 1.1.9 are fitted with an impermeable floor surface sufficient to support the weight of the animal without bending;
  - 1.1.10 for cats, each individual is provided with a litter box containing sufficient litter that accommodates its entire body.
- 1.2 all animals are provided with sufficient food, water, shelter, warmth, lighting, cleaning, sanitation, grooming, exercise, veterinary care and any other care necessary to maintain the health, safety and well-being of those animals.
  - 1.3 incompatible species of animals are not confined in the same enclosure.
  - 1.4 when housing multiple animals in an enclosure, address all issues related to age differences, size differences and protective or aggressive behaviours related to resource guarding.
  - 1.5 animals have a place to hide from visual contact with other animals and humans.
  - 1.6 age and species appropriate enrichment is available for the animals.
  - 1.7 that no animals are handled by members of the public except under the supervision of a qualified employee and animals are not handled when hiding or sleeping unless necessary for health or medical reasons.
  - 1.8 animals in transport are adequately secured, have adequate ventilation and are protected from physical conflict with other animals.
  - 1.9 that any animal in the licensee's care which is ill or injured is promptly examined and treated by a qualified veterinarian and that any necessary euthanasia and disposal of an animal is performed by a veterinarian.
  - 1.10 that an area is available for the segregation of animals in the licensee's care which are injured, ill, or in need of special care, treatment or attention, from other animals on the premises.
  - 1.11 The licensee immediately notify the medical health officer whenever an animal in their care is, or appears to be, suffering from a disease transmittable to humans or other animals and keep the animal isolated from healthy animals until it has been determined by a veterinarian or the medical health officer that the animal is free of disease.
  - 1.12 The licensee does not employ any person who has been convicted of an offence involving cruelty to animals or has had animals seized pursuant to the *Prevention of Cruelty to Animals Act*.
  - 1.13 report suspected neglect or abuse to the Animal Cruelty Reporting Hotline (1-855-622-7722), including animals that arrive sick, injured or unsocialized.

- 1.14 that all persons who attend to the care of animals have the necessary skills, knowledge, training, abilities and equipment and supplies for the humane care of those animals.
- 1.15 The licensee has in place a written emergency plan for fire and earthquake, including provisions for when no staff are on site.
- 1.16 every person or individual carrying on the business of or operating an animal daycare must maintain, in English, a legible register of animals in care, which register shall contain the following information:
  - 1.16.1 the name, address and telephone number of the owner of the animal and emergency contact including the pet's registered veterinarian;
  - 1.16.2 the name, breed and species of the animal; and
  - 1.16.3 the licence tag number of the animal in care, if applicable, and provide a copy of such register to an Inspector upon request.

#### *Pet Stores and Animal Kennels*

#### 2. A licensee must:

- 2.1 pair house animals where possible to ensure adequate social development.
- 2.2 not separate any animal from its mother prior to it being weaned.
- 2.3 enact and supply inspectors with an age-appropriate written socialization plan for all animals, preventing the development of aggression and mitigating long-term fear and anxiety of unfamiliar circumstances.
- 2.4 maintain a legible register in English, which records all transactions in which animals have been acquired, sold or otherwise disposed of, and provide a copy of such register to an inspector upon request. Records must contain:
  - 2.4.1 the name and address of the person from whom the regulated agency acquired the animal;
  - 2.4.2 the date of the acquisition;
  - 2.4.3 a description of the sex and colouring of the animal, and of any tattoo, microchip number or other identifying marking;
  - 2.4.4 the date the licensee disposed of the animal; and
  - 2.4.5 if the disposition is other than by sale, the method of and reason for such disposition.
- 2.5 at the time of sale of any animal, provide the purchaser with written instructions on the proper care and feeding of the animal, including:
  - 2.5.1 appropriate diet, including any recommended dietary supplements;
  - 2.5.2 proper handling techniques;
  - 2.5.3 basic living environment and, if applicable, type of enclosure, including appropriate enclosure size, lighting, heating, humidity control, materials and planting, substrate and recommended cleaning frequency;
  - 2.5.4 exercise needs, if any;

- 2.5.5 any other care requirements necessary to maintain the health and well-being of the animal;
  - 2.5.6 any human health risks associated with the handling of the animal; and
  - 2.5.7 the pet store or kennel's return policy.
- 2.6 not give away any animal for free for any promotional purpose.
- 2.7 be in compliance with the most updated edition of the Canadian Veterinary Medical Association's *A Code of Practice for Canadian Kennel Operations*, *A Code of Practice for Canadian Cattery Operations* and from the Canadian Advisory Council on National Shelter Standards, the *Canadian Standards of Care in Animal Shelters*.

*Option 1: No Sale of Animals in Retail Outlets*

3. No person shall sell or offer for sale to the public any animal, in a pet store or other type of retail premises, with the exception of those animals offered for adoption from a recognized animal rescue society or shelter organization.

*Option 2: Restriction on Sale of Animals in Retail Outlets*

3. No person shall sell or offer for sale to the public in a pet store or other type of retail premises:
- 3.1 any an unsterilized cat or rabbit; or
  - 3.2 any animals other than allowable animals.

*Information Supplied to Purchaser*

4. For the sale of a dog, puppy, cat, kitten or rabbit, the licensee shall provide the purchaser with:
- 4.1 a dated and signed certificate from a veterinarian verifying the health of the animal and indicating that the animal has been de-wormed and vaccinated or inoculated for the disease(s) specified in the certificate;
  - 4.2 a description of the animal, including its species, sex, age, colour, markings, any tattoo or microchip and breed or cross-breed;
  - 4.3 the date of sale; and
  - 4.4 the name and address of the pet store or kennel, including the name of the owner of the business.

*Application and Inspection*

5. The licensing officer shall refuse any licence application which does not meet with all of the requirements of this bylaw.
6. In the event that a licence application is refused, the licensing officer shall give notice in writing to the owner by registered mail or personal delivery.
7. Every licensee shall permit an inspector (or its duly designated delegate) or a Special Provincial Constable of the British Columbia Society for the Prevention of Cruelty to Animals, upon production of proper identification, to enter and inspect the premises and any animals found therein at all reasonable times for the purpose of determining compliance with this bylaw.

For more information or for consultation, contact:

**Amy Morris, MPP**  
**Public Policy and Outreach Manager**

by email at [bylaws@spca.bc.ca](mailto:bylaws@spca.bc.ca)  
or by phone at 1-800-665-1858





DATE OF MEETING NOVEMBER 9, 2020

AUTHORED BY TAAJ DALIRAN, MANAGER, SANITATION, RECYCLING & CEMETERIES

**SUBJECT RESIDENTIAL CURBSIDE COLLECTION POST-IMPLEMENTATION REVIEW – 2021 RECOMMENDATIONS**

## **OVERVIEW**

### **Purpose of Report**

To provide Council with a summary of findings and recommendations of the Residential Curbside Collection Post-implementation Review that may potentially impact the 2021 Budget.

### **Recommendation**

That the Governance and Priorities Committee recommend that Council direct Staff to:

- a. Create a 0.5 Full Time Equivalent cart administrator position;
- b. Incorporate an additional non-collection day in the annual calendar for training; and,
- c. Purchase and install an additional on-board computer.

## **BACKGROUND**

On July 15, 2020, Council received an Information Report regarding the Residential Curbside Collection Post-implementation Review (the Review), which is now complete, and will be presented to the Governance & Priorities Committee by Neilson Strategies Inc.

The Review undertook site visits and interviews with Staff across City divisions, as well as external agencies supporting the sanitation service. The Review was intended to ensure the sanitation service can be sustained reliably.

Due to the timeliness of impending Financial Plan discussions, Staff are presenting recommendations from the Review in a two-stage approach. The first stage – the subject of this report – considers those recommendations which may impact the 2021-2025 Financial Plan. The second stage will present the Review's implications for future years, and be brought forward to Council early in 2021. Also included in today's agenda is a separate report that addresses the Review's recommendation around collection route optimization.

The draft 2021 user rate for sanitation service is expected to be \$181 in the proposed budget, excluding proposed changes.

## **DISCUSSION**

### **Recommendations for 2021**

Neilson Strategies recommendations for inclusion in the 2021-2025 Financial Plan are presented in Attachment A, and are summarized below. Neilson Strategies' full Review is included in Attachment B.

#### **1. Undertake Route Optimization**

This recommendation is the subject of a separate report on today's agenda, including financial implications for the 2021-2025 Financial Plan.

#### **2. Create Cart Administrator Position**

Since the introduction of the automated program, a considerable amount of Staff time has been spent on managing more than 80,000 carts. Tasks include inventory management, delivery to new customers and cart replacement.

Each day ratepayers make twenty to twenty-five requests for new home cart delivery or exchange. Staff spend a minimum of 20 hours per week on this work.

The Review recommends a part time position (0.5 Full Time Equivalent) to manage the carts.

#### **3. Develop and Implement Resident Education**

The capacity to further develop and implement a comprehensive education strategy was limited by operational constraints and COVID-19. Some components of education and outreach have been postponed due to COVID-19, including curbside contamination audits, the Trunk Sale, and delivering public education presentations. A Waste Composition Study was budgeted for 2020, but this study has been delayed until 2021.

In 2021, a comprehensive education strategy will be further developed and implemented. Service optimization will reduce operational constraints that affected communications, and will result in better capacity for proactive, longer-term waste reduction messaging. The communication and outreach components delayed by COVID-19 will be reinstated when appropriate. The Waste Composition Study will be conducted, providing results to focus waste reduction campaigns.

#### **4. Provide Additional Driver Training**

Investment in driver training is a key component to a safe workplace, and an obligation of the City under WorkSafeBC. Currently, there are no dedicated days for training and development within the operators work schedule, and training is done with drivers individually.

Scheduling one or two non-collection days per year provides the opportunity for training sanitation drivers as a unit. This would ensure Staff stay up-to-date on health and safety policies, certifications, and technological changes that affect their jobs, without incurring overtime labour expenses or additional cost of individual training. Rather than the standard 248 collection days per year, there would be 247.

The additional non-collection day is proposed to be incorporated in the “Municipal Solid Waste Bylaw 7128”, which will be brought forward for annual update in December. Staff do not expect additional costs, as training is currently included in the budget.

#### **5. Purchase and Install On-Board Computer**

This recommendation would update a spare vehicle with the same data collector and on-board computer as the newer trucks have. This one-time cost is in the range of \$18,000.

### **OPTIONS**

1. That the Governance and Priorities Committee recommend that Council direct Staff to:
  1. Create a 0.5 Full Time Equivalent cart administrator position;
  2. Incorporate an additional non-collection day in the annual calendar for training; and,
  3. Purchase and install an additional on-board computer.

The advantages of this option include an increased level of efficiency in many of the back-of-house functions, which support the curbside collection service. Other than impacts to user fees, there is little downside to this level of service improvement.

Financial Implications: Incorporating these recommendations would increase the draft 2021 budget by \$59,500, or approximately \$2 per user. This change is proposed to be included in the 2021 – 2025 Financial Plan.

2. That the Governance and Priorities Committee provide alternative direction to Staff. |

### **SUMMARY POINTS**

- The Residential Curbside Collection Post-implementation Review is complete. The Review provides five recommendations for Council’s consideration for implementation in 2021.
- Staff will provide a further report early in 2021 for Council’s consideration with the Review’s recommendations for later years.
- Implementing recommendations slated for 2021 are expected to increase user fees by a total of \$2 per year.
- The benefits of implementing the recommendations include increased capacity to respond to a significant increase in demand.

### **ATTACHMENTS:**

Attachment A – Neilson Strategies Memorandum October 26, 2020 – 2021 Recommendations  
Attachment B – Neilson Strategies Automated Solid Waste Collection Service Post-Implementation Review October 2020 (DRAFT report)

**Submitted by:**

Taaj Daliran  
Manager, Sanitation, Recycling, Cemeteries

**Concurrence by:**

Laura Mercer  
Director, Finance

Bill Sims  
General Manager, Engineering & Public  
Works

## MEMORANDUM

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**TO:** Bill Sims  
General Manager, Engineering & Public Works  
City of Nanaimo

**CC:** John Elliot                      Taaj Daliran                      Sherry Hurst  
Director, Public Works           Manager, Sanitation, Recycling &  
City of Nanaimo                      Cemeteries                      Leftside Partners  
City of Nanaimo

**FROM:** Allan Neilson  
Neilson Strategies Inc.

**DATE:** October 26, 2020

**SUBJECT:** **CURBSIDE COLLECTION POST-IMPLEMENTATION REVIEW  
RECOMMENDATIONS EXPECTED TO IMPACT 2021 CURBSIDE COLLECTION USER RATE**

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### BACKGROUND

Neilson Strategies Inc. (NSI) has been retained by the City of Nanaimo to undertake a *Curbside Collection Post-Implementation Review* on the City's fully-automated curbside collection system that was introduced in 2017 (Phase I) and 2018 (Phase II). NSI is in the process of writing a full report on the review. The report will identify and explain the consultants' recommendations for the City to consider.

The City is in the process of developing its *2021-2025 Financial Plan*. In order to give the Finance Department sufficient time to develop proposed 2021 property tax and user rates for presentation to Council, any recommended changes to the curbside collection service that could impact the 2021 service user rate must be submitted to the City by the end of October, 2020.

### 2021 RECOMMENDATIONS

This memorandum presents the consultants' recommendations for 2021 in advance of the full report. Figure 1 identifies and explains each recommendation for the City to consider. Information on the anticipated types of costs to expect is presented for each entry; additional detail and rationale will be provided in the full report. Additional recommendations to consider in future years will also be presented in the report.

**Figure 1**  
**2021 Recommendations**

Recommendation	Explanation	Cost Impact
<b>1. Undertake Route Optimization</b>	<p>Increasing recycling volumes, coupled with the City's eight-hour shifts and use of split-load collection vehicles, are creating inefficiencies in the system. On their current collection routes, drivers are required to drop recyclables at the Waste Connections Materials Recovery Facility (MRF) twice per shift. Each trip to the MRF takes considerable time. The need for two trips is a key cause of the department's increased overtime.</p> <p>The current situation can be resolved to a significant degree by redesigning the collection routes, specifically for the curbside recycling stream. The City has two years' worth of data that can be used to optimize the routes so that trucks do not have to tip recyclables more than once per shift.</p> <p><b>This recommendation is being addressed by the City's Manager of Sanitation, Recycling &amp; Cemeteries.</b></p>	<p>The recommendation would result in:</p> <ul style="list-style-type: none"> <li>· elevating one of the diesel back-up vehicles to full-time usage, and incurring the maintenance and fuel charges associated with full-time use</li> <li>· ordering (as planned already) the tenth CNG automated truck for delivery in 2022</li> <li>· hiring an additional full-time driver (1.0 FTE)</li> </ul>
<b>2. Create Cart Administrator Position</b>	<p>Similar to other local governments that have introduced an automated cart-based system, Nanaimo has discovered that the effort required to manage the City's curbside carts is considerable. Ongoing tasks include:</p> <ul style="list-style-type: none"> <li>· receiving and addressing requests for cart exchanges</li> <li>· identifying and eliminating "phantom carts" (i.e., carts with missing or mis-assigned RFIDs)</li> <li>· ensuring that carts are properly repaired (this task is currently not being done)</li> <li>· ensuring that carts are assembled and delivered to new addresses</li> <li>· ordering new carts as required</li> <li>· overall management of 90,000+ inventory</li> </ul> <p>It is recommended that an additional administrative resource be added to undertake these tasks. At a minimum, 0.5 FTE should be considered.</p>	<p>This recommendation would result in:</p> <ul style="list-style-type: none"> <li>· hiring an additional administrative staff resource (minimum 0.5 FTE) to work at the Public Works Yard and be responsible for cart management</li> </ul>

Recommendation	Explanation	Cost Impact
<b>3. Develop and Implement Resident Education</b>	<p>When the City introduced the automated system staff developed and presented a broad range of user-friendly information materials in various formats to help residents understand how to use the new service. Since implementation some additional materials have been produced and presented; however, the reach of these efforts has been relatively limited.</p> <p>Users have a significant role to play in increasing the system's overall efficiency and in postponing the need for further major capital expenditures to increase system capacity. Targeted education campaigns could be developed to:</p> <ul style="list-style-type: none"> <li>· lower the overall participation rate — and thus reduce the number of carts that must be collected each shift — by encouraging residents to hold back carts that are less than half full</li> <li>· properly flatten and size cardboard to maximize the carrying capacity of the vehicles, and to minimize compaction-related equipment problems</li> <li>· reduce recycling contamination levels</li> <li>· optimize the efficiency of cart placement</li> <li>· minimize incidents of carts being blocked by parked cars</li> <li>· address other matters</li> </ul> <p>It is recognized that the City does communicate on some of these matters with residents on an ongoing or periodic basis. Additional targeted efforts, however, would be helpful.</p> <p>The City's Zero Waste Coordinator would have an important role in developing portions of the required education. Staff from the Communications department, however, would also need to be involved.</p>	<p>This recommendation would result in:</p> <ul style="list-style-type: none"> <li>· making available the Zero Waste Coordinator to address at least some of the education needs (currently the Coordinator's time is focused on COVID-related response needs)</li> <li>· acquiring resources from the City's Communications Department and/or hiring a communications consultant to help design and implement the education programs</li> </ul>
<b>4. Provide Additional Driver Training</b>	<p>It is clear that the City's collection truck drivers take pride in their work. Overall vehicle efficiency, however, could be improved with some additional</p>	<p>This recommendation would result in:</p>

Recommendation	Explanation	Cost Impact
	<p>driver training. Targeted training on the following items would be useful:</p> <ul style="list-style-type: none"> <li>· use of the on-board vehicle computer to bolster the City's collection of data — data that are critical to optimize routes, inform resident education needs, identify phantom carts, correct cart misplacements, and address other matters</li> <li>· proper vehicle operation to reduce wear-and-tear and, in so doing, to better manage vehicle repair and maintenance costs</li> <li>· post-trip vehicle inspections to ensure that any maintenance issues are identified for mechanics to address beginning at 5:00 am on the following morning, and to enable drivers to exit the Public Works Yard early the following morning</li> </ul> <p>The challenge in providing additional driver training will be creating time for it. The City has considered introducing a "skip-a-day" twice each year to provide opportunities for all drivers to train as a group. This idea has merit. The less attractive alternatives are for drivers to be trained individually or using overtime.</p>	<ul style="list-style-type: none"> <li>· contracting trainers and/or or using experienced staff to train drivers and produce supporting written materials</li> <li>· addressing the potential overtime impact of any skip-a-day initiatives, versus the overtime impact of having drivers train off-shift</li> </ul>
<p><b>5. Purchase and Install On-Board Computer</b></p>	<p>The on-board computers on the collection vehicles are critical to the City's efforts to collect that data required to optimize routes and increase overall system efficiency. Most of the vehicles have the computers; however, at least one vehicle — Truck 317 — does not have one. The City should consider purchasing and installing the computers, as required, to ensure that all trucks are properly equipped.</p>	<p>This recommendation would result in:</p> <ul style="list-style-type: none"> <li>· the cost to purchase and install an on-board computer for Truck 317 (and for any other vehicle that may be missing the device)</li> </ul>





# **AUTOMATED SOLID WASTE COLLECTION SERVICE POST-IMPLEMENTATION REVIEW**

## **DRAFT REPORT**

This *Draft Report* has been prepared by Neilson Strategies Inc. for the City of Nanaimo. The document is presented for discussion with, and for the sole use of, the City. No representations of any kind are made by the consultants to any party with whom the consultant does not have a contract.



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## CHAPTER 1

### INTRODUCTION

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Through a two-phase implementation program that began in October, 2017, and ended in July, 2018, the City of Nanaimo introduced an automated residential solid waste collection service to replace a manual system that was in use at the time. In its first two years of operation under the new service, the City has realized considerable efficiencies and a range of other important benefits. Not surprisingly, the City has also encountered certain challenges that, left unaddressed, may undermine the City's ongoing ability to provide excellent customer service in a cost-effective way.

As a best management practice, and to ensure that the system remains sustainable in the face of ongoing growth and other pressures, the City decided to conduct a *Post-Implementation Review* of the service.

#### POST-IMPLEMENTATION REVIEW

Neilson Strategies Inc., a BC-based local government consultancy, was retained to assist the City in undertaking the review. The consultant was asked to examine the service and its key elements, review the system's original business case and its assumptions, identify service issues to address, and recommend changes aimed at ensuring the service's sustainability and success in the years ahead.

This *Draft Report* presents the consultant's work. The report begins by profiling the City's automated curbside collection service as it exists today. All major elements of the service are documented as part of the profile. The report then identifies some of the important benefits the City has realized under the new system, along with the key challenges that the City is experiencing. Recommendations are provided at the end of the report to build on the benefits and address the challenges. Recommendations for the City to consider implementing in 2021 are presented first followed by recommendations to consider for action in future years, beyond 2021.

#### SUSTAINABLE SERVICE

The *Post-Implementation Review* was initiated to identify changes that the City should consider making to its collection system in order to ensure that the service remains sustainable in the years ahead. For the purpose of the assignment, a "sustainable" collection service is one that:

- has the staffing, vehicles and equipment necessary to consistently meet the collection needs of residents on all collection routes, in accordance with published collection schedules
- has sufficient built-in redundancy to accommodate vehicle maintenance needs, staff absences and other challenges that can be expected to occur on a regular basis or from time to time

- anticipates future growth and growth-related pressures, and adjusts as necessary
- has the facilities necessary to efficiently maintain, fuel and store vehicles
- incorporates the proper asset management needed to build adequate vehicle, cart and other equipment replacement reserves
- makes use of effective demand-management programs to improve system efficiency, achieve diversion targets and promote other service goals
- is operated as a self-financing utility with sufficient user fee revenues to consistently cover all costs related to the service
- provides a safe, relatively low-risk work environment for staff
- is cost-effective, cost-competitive relative to similar services in other municipalities, and affordable for users

The *Post-Implementation Review*, it should be noted, was not undertaken to assess collection service options that could be implemented in place of the City's automated system. The City has invested considerable resources in its new system and is committed to retaining the service. The City is also committed to the in-house operating model through which the service is delivered. Finally, the City is not contemplating any change to the level of service provided, either in terms of the number of solid waste streams collected, or the frequency of collection. Potential service level alternatives, therefore were not examined in the *Review*.

### COVID-19

The City identified the need to conduct a *Post-Implementation Review* of its automated collection service prior to the COVID-19 pandemic. COVID-19 has, however, contributed to sizable increases in the volume of materials generated for collection. These increases have created capacity challenges for the service that are taken into account by the changes put forward in this *Draft Report*.

## CHAPTER 2

# AUTOMATED SOLID WASTE COLLECTION SERVICE

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This chapter profiles the City of Nanaimo's automated solid waste collection service as it exists today. The chapter outlines the purpose and scope of the new service, the service's legislative framework, and the City's in-house service delivery model. An overview of the revenues and expenses related to the service is also presented, along with data on the amounts of materials collected.

All of the information in this chapter is presented without commentary or analysis to outline the current service. Benefits and challenges associated with the service are presented later in the *Draft Report*.

### PURPOSE AND SCOPE

The City of Nanaimo provides a solid waste curbside collection service to collect household garbage, organics<sup>1</sup> and recyclables directly from single family residences, and from multi-family buildings with up to four units. Household garbage and recyclables are collected every other week (EOW) on alternating weeks; organics are collected weekly. All three solid waste streams are collected using an automated system in which wastes are separated by residents into separate, stream-specific bins and placed curbside for collection. Collection vehicles equipped with hydraulic lifting arms stop in front of households to collect and empty the carts. On each vehicle, the lifting arm is maneuvered by the driver to take hold of a container, lift it off the ground, and empty it — or "tip" it — into the vehicle's designated storage compartment. As of September, 2020, the service is provided to approximately 29,200 households across the entire City.

Curbside collection is, at its core, an essential public health service, provided to remove solid waste from households and transport it to centralized facilities where it can be processed and/or disposed in a safe and timely manner. The service is also provided to promote environmental protection goals related to the diversion of wastes from the garbage stream that can be broken-down and repurposed.

### LEGISLATIVE FRAMEWORK

The legislative framework for the City's curbside collection system consists primarily of British Columbia's *Community Charter* and the City's own *Municipal Solid Waste Collection Bylaw, 2011, No. 7128*. Section 8(2) of the *Community*

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<sup>1</sup> In Nanaimo, the term "organics" includes yard waste, food waste, compostable containers, paper towels and napkins, and a range of other biodegradable items that can be broken down into carbon dioxide, water, inorganic compounds and biomass in a relatively short period of time.

*Charter* gives the City the authority under to provide "any service that the council considers necessary or desirable". Section 8(3) specifies that "council may, by bylaw, regulate, prohibit and impose requirements" in relation to a number of specific matters, including municipal services.

Nanaimo's *Bylaw No. 7128* provides for the "collection and disposal of garbage, food waste, recyclables and other solid waste" in the City. The bylaw:

- introduces the three-stream (i.e., garbage, recycling, organics) automated solid waste collection service that has been established for residents
- identifies the frequency of collection for each of the streams, and the use of carts
- states that participation in the service is mandatory for all single family residences and multi-family dwellings with four or fewer units<sup>2</sup>
- gives residents the ability to request an upsized garbage cart and/or recycling cart
- identifies materials that may not be disposed of through the service
- assigns a range of responsibilities to owners/occupiers of dwellings that receive service
- outlines the cost to households, paid as a solid waste user fee, to receive the service
- sets out offences and penalties under the service

The responsibilities that are assigned to owners/occupiers of dwellings are important to explain. Under section 11(1) of the *Bylaw*, owners/occupiers are required to separate household wastes into three different carts. Specifically:

- household garbage must be placed into the wheeled garbage cart provided by the City
- comingled organic waste must be placed into the wheeled organics cart provided by the City
- recyclables must be placed into the wheeled recyclable waste cart provided by the City

The *Bylaw* requires owners/occupiers to limit the weight of carts, and set out carts curbside by 8:00 am on the assigned collection day. The *Bylaw* is specific in its requirements related to the placement and positioning of carts for pick-up, as well as the storage and care of carts.

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<sup>2</sup> Dwellings on Protection Island and those throughout the City deemed unserviceable by the General Manager, Engineering and Public Works, are not included in the service. "Unserviceable" properties are those that are difficult to or unsafe to access, or are located remotely.

## SERVICE DELIVERY MODEL

The solid waste residential collection service and its associated bylaw are administered by the Engineering and Public Works Department, and delivered by staff in the Department's Sanitation Division. The key characteristics of the delivery model are as follows:

- *Collection Method* — The City's current service uses an automated collection method that features collection vehicles equipped with hydraulic lifting arms, and hard plastic collection carts with wheels and lids.
- *Waste Streams* — As noted earlier, the City collects three streams of household solid waste: garbage, organics and recyclables.
- *Carts* — The City provides each dwelling unit with three different coloured carts, including a black cart for household garbage, a blue cart for recycling, and a green cart for organics. Carts are available from the City in different sizes for garbage and recycling streams, but in one size only for organics. Figure 2.1 shows the standard set of carts that each single family dwelling receives from the City, as well as the upsizing options available to households.<sup>3</sup>

**Figure 2.1**  
**Standard Carts and Upsizing Options**  
**Single Family Dwellings**

CART	STANDARD CAPACITY	UPSIZING OPTION	ADDITIONAL ANNUAL COST FOR UPSIZING
<b>GREEN CART</b> <i>SFD Options</i> <i>Yard &amp; Food Waste</i>	<b>120</b> <i>litres</i>	<i>No upsizing options are available for the Green Cart</i>	
<b>BLUE CART</b> <i>Curbside Recycling</i>	<b>240</b> <i>litres</i>	<b>360</b> <i>litres</i>	<i>No additional charges</i>
<b>BLACK CART</b> <i>Garbage / Landfill</i>	<b>120</b> <i>litres</i>	<b>240</b> <i>litres</i>	<b>\$100</b>

Dwellings that contain a secondary suite and that choose to make use of one set of carts (in place of two separate household accounts), receive a 240 litre capacity green cart and black cart in the standard set.

Each cart is equipped with a radio-frequency identification (RFID) tag that enables the City to track how often carts are placed curbside for collection, investigate complaints of missed collection, and — in combination with on-vehicle cameras — identify households that are not properly separating

<sup>3</sup> The City charges a \$25 administration fee to upsize carts.



household wastes into the separate carts (and, therefore, are in violation of requirements in *Bylaw No. 7128*). All carts and their RFIDs are owned by the City; the cost of the equipment is recovered from households through the solid waste user fee.

- *Collection Schedule* — Household garbage and recycling are collected on an alternating EOW schedule. Organic wastes are collected weekly. The City makes use of an "add-a-day" feature in its scheduling. This feature advances a household's day for collection by one weekday following statutory holidays.
- *Processing and Disposal* — Each waste stream collected by the City is delivered to a different facility for processing or disposal. Garbage is delivered for disposal to the Nanaimo Regional Landfill, owned and operated by the Regional District of Nanaimo, on Cedar Road in the City. Recyclables are taken to the Waste Connections Materials Recovery Facility on 10<sup>th</sup> Street. Organic wastes are delivered to Nanaimo Organic Waste Ltd. facility on Maughan Road.
- *Collection Vehicles* — The City's fleet of collection vehicles includes:
  - two (2) compressed natural gas (CNG) vehicles purchased by the City in 2016 for delivery and introduction into service in late 2017
  - six (6) CNG vehicles purchased by the City in 2017 for delivery and introduction into service in the summer of 2018
  - one (1) CNG vehicle purchased by the City in 2019 for delivery and introduction into service in the summer of 2020
  - one (1) older diesel vehicle (Vehicle 301) that has been equipped with a hydraulic lifting arm for use as a back-up resource
  - two (2) older diesel vehicles, retired from service in the Central Okanagan, purchased for use as back-up resources

All trucks in the City's fleet are split-load — or, dual-chamber — vehicles designed to collect and hold two waste streams at the same time. One of the holding compartments in each vehicle occupies 60% of the vehicle's total storage capacity; the other compartment occupies the remaining 40%. Each week, household organic wastes (i.e., green carts) are collected and held in the smaller of the two on-vehicle storage compartments. On alternating weeks, household garbage (i.e., black carts) and recyclables (i.e., blue carts) are collected and held in the larger of the two compartments.

- *Vehicle Fueling* — The diesel back-up trucks are fueled on-site at the City's Public Works Yard. The CNG vehicles are fueled at the Mid-Island Co-Op station on Boxwood Road, 2.0 kilometres from the Yard.

- *Staffing* — City of Nanaimo staff in the Sanitation Division deliver the service. The total staffing complement in 2020 includes:
  - one (1) Manager (Sanitation, Recycling & Cemeteries)
  - one (1) Supervisor
  - nine (9) Refuse Collector/Operators (i.e., drivers)
  - one (1) Administrative Assistant
  - one (1) Zero Waste Coordinator
  - four (4) Permanent Auxiliary Collector/Operators for additional capacity as required (e.g., coverage for periods of staff absence; operation of additional vehicle)

All staff, with the exception of the Manager, are members of the Canadian Union of Public Employees (CUPE) Local 401 collective bargaining unit. Shift lengths, working hours, and other work conditions for these employees are set out under the *Collective Agreement: January 1, 2019 – December 31, 2022* between the City and CUPE Local 401.

## HOUSEHOLD NUMBERS

As per *Bylaw 7128*, all single family dwellings and all multi-family buildings with four or fewer units are required to join the curbside collection service.<sup>4</sup> As the City grows so, too, does the number of households using the service. The total increase in users every year will depend on the types of new housing that are added to the City's housing stock. Growth in the number of curbside collection users will be limited by the degree to which growth the City's housing stock continues to tilt in favour of condominiums, apartments, townhouses and other multi-family types with more than four units per building.

Shifts in new housing types notwithstanding, the collection system has experienced a steady increase in new households over the past five years, under both the previous manual system and current automated system. Figure 2.1 shows the increases.

## REVENUES & EXPENSES

### Service Revenues

The curbside collection service is operated as a fully self-funded — or self-liquidating — service in which all costs incurred by the City to provide

**Figure 2.1**  
**Households on Collection System**  
**2016-2020**

Year*	Households	Growth
2016	27,445	-
2017	27,908	1.69%
2018	28,256	1.25%
2019	28,669	1.46%
2020	29,200	1.85%

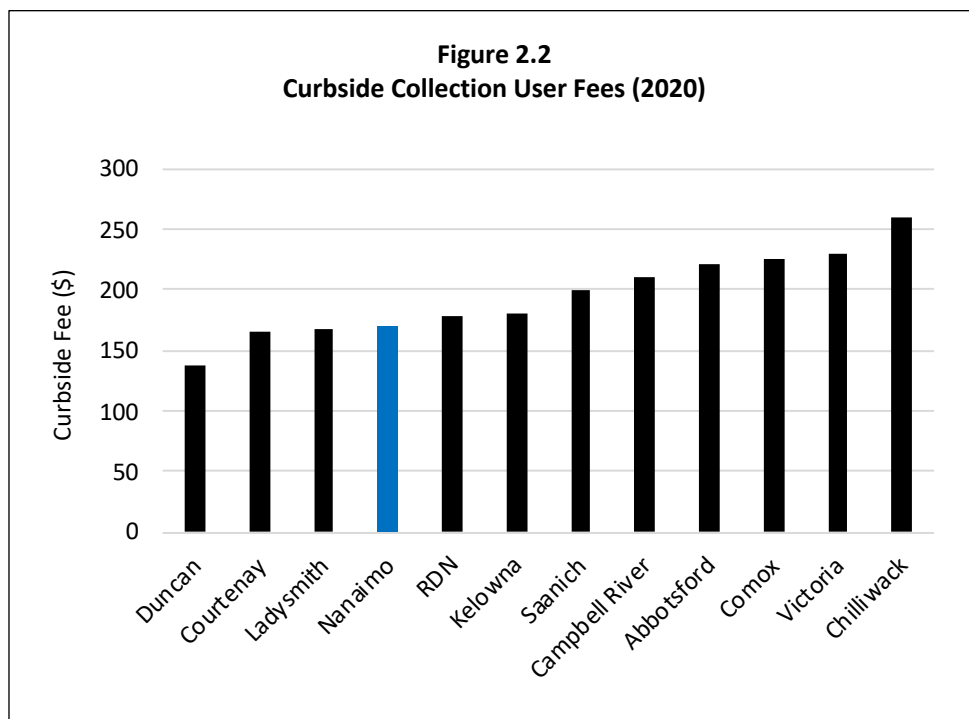
\* As at September 1 each year.

<sup>4</sup> The exceptions for Protection Island residents and properties deemed unserviceable were noted earlier.

the service are fully offset by revenues that are specific to the service. There are two major sources of service revenue:

- **User Fees** — Households that directly use the service pay the bulk of the service costs (the service does not rely on and does not receive any property tax revenues). Each household pays a standard user fee that is currently set at \$170 per year (increased from \$165 in 2019). Households that choose to upsize their garbage carts are required to pay a user fee premium of \$100 per year. In 2020, user fee revenues are budgeted to total \$4.94 million.

Figure 2.2 compares the City's \$170 user fee to those in place in a range of other local government systems that offer curbside collection for all three waste streams. Some of the comparison systems are on Vancouver Island; others are in communities elsewhere that are comparable in size to Nanaimo. The figure shows that Nanaimo's user fee is competitive relative to those of other jurisdictions.



- **Recycle BC** — Pursuant to the *BC Recycling Regulation* in the *Environmental Management Act*, producers of "packaging and printed paper" (PPP) in the province are responsible for collecting and processing all PPP materials from single- and multi-family residents. To fulfill their responsibilities, the producers established a recyclables collection and processing program through Recycle BC, a non-profit industry association. In municipalities that join the Recycling BC program, Recycle BC collects all residential recyclables using either its own contractor, or by contracting collection to the local

government. Municipalities that opt for the contract option are paid an incentive rate which is determined based on the number of households in the collection service, the type of collection used, and a range of other factors.

Similar to most other local governments in the province, the City of Nanaimo is a member of the Recycle BC program and a contractor to Recycle BC for the collection of curbside residential recycling. The incentive rate that is paid to the City to deliver this service is \$1.01 million in 2020.

### Service Expenses

Tipping costs for garbage and organics represent one of the largest line item costs incurred by the City each year in its service. In 2020, the total budgeted tipping cost is \$1.55 million. The cost of labour is another major line item, projected at \$1.22 million in 2020. Fleet charges, at 1.15 million in 2020, take into account the cost to replace vehicles at the end of their lifespans, all operating costs, and the vehicles' share of shop overhead costs that are incurred to run the City's fleet facility. A further \$1.25 million in 2020 is directed towards short-term payments on debt that was incurred at the inception of the new service to help pay for vehicles and carts.

### AMOUNT OF MATERIALS COLLECTED

Considerable change has occurred to residential curbside collection in Nanaimo since the transition from manual to automated collection. Changes in the amount of household wastes set out for collection have been particularly noticeable. Figure 2.3 presents figures on the amount of curbside organics, recycling and garbage collected by the City from 2017 through to the end of 2019. The figure presents the same information for the first eight months of 2020, and the total for the comparable eight-month period in 2019.

Figure 2.3 shows that there has been a significant increase in the amount of organics and garbage, in terms of kilograms per household, collected under the automated system. In 2018 — the year in which the transition from manual to automated collection was completed — the City collected 37% more organics and 21% more garbage than the in 2017. This trend continued through 2019 and the first eight months of 2020.<sup>5</sup> Figure 2.4 tracks the year-over-year changes.

The increases in organics can be largely explained by two factors:

- the expansion of the organics collection program in 2018 to include yard waste in addition to kitchen waste
- the distribution to each household at the start of the automated system of 120 litre carts that can hold considerable material

<sup>5</sup> Staff report that the increase has continued since the end of August, 2020, to the point where the total increase in kg per household in 2020 is close to 18% compared to the same period in 2019.

**Figure 2.3**  
**Material Collected**  
**Weight (kg) Per Household**

Waste Stream	2017	2018	2019	2019 (Jan-Aug)	2020 (Jan-Aug)
Organics	133	182	247	163	196
Recycling	118	126	125	86	83
Gargage	140	169	193	125	147
<b>Total</b>	<b>391</b>	<b>477</b>	<b>565</b>	<b>374</b>	<b>426</b>
<b>Diversion Rate</b>	<b>64%</b>	<b>65%</b>	<b>66%</b>	<b>67%</b>	<b>65%</b>

**Figure 2.4**  
**Year-Over-Year Change in Materials**  
**Weight (kg) Per Household**

Waste Stream	2017	2018	2019	2019 (Jan-Aug)	2020 (Jan-Aug)
Organics	-	37%	36%	-	20%
Recycling	-	7%	-1%	-	-3%
Gargage	-	21%	14%	-	18%
<b>Total</b>	<b>-</b>	<b>22%</b>	<b>18%</b>	<b>-</b>	<b>14%</b>

The COVID-19 pandemic is a third influencing factor that helps to explain the increase in the first eight months of 2020. During COVID-19 residents have spent more time at home than in previous years and have generated more organics waste as a result.

COVID-19 has also contributed to the higher amounts of gargage per household in Figures 2.3 and 2.4, as has the convenience of large-capacity gargage carts.

Figure 2.4 does not show an increase in recycling per household, but only because the figure records the amount of material in terms of weight. The trend for recyclables is quite different when volume of material is taken into account. All municipalities that have transitioned to cart-based automated collection services have experienced increases in the volume of household recyclables put out for collection. Large-capacity blue carts are able to easily accommodate significant

volumes of low-density items that do not add significantly to the weight of materials, but that do add to the overall volume.

Municipalities across the province are also reporting sizeable increases in the volume of recyclables as a result changed consumer behaviour during COVID-19. Significant volumes of cardboard and wrapping material, in particular, are being placed out for collection in all centres including Nanaimo. Volumes of materials are not measured directly — the incentive fees paid by Recycle BC to municipalities are based entirely on the weight of materials. Staff at the Waste Connections Materials Recovery Facility (MRF) in Nanaimo, however, estimate that the volume of recyclables being delivered to the facility is up approximately 15% in 2020; staff in other municipalities report similar increases. Volumes can also be gauged by the frequency with which collection vehicles are required to deliver their loads to the MRF. On recycling collection days, Nanaimo's collection vehicles are required to pause collection and empty their loads twice to create capacity for additional materials.

In January, 2019, at the start of the first full year of operation under the automated service, the City began to collect and track considerable amounts of data using the on-board vehicle computers and other information sources. Included in these data are the number of "tickets" assigned to City vehicles by the different disposal and processing facilities to which the City delivers its curbside collection waste streams. Each ticket represents one visit to one of the facilities. Figure 2.5 shows that over the first eight months of 2019 and 2020, City vehicles made almost twice as many visits to the Waste Connections MRF to tip recyclables as they did to the Nanaimo Regional Landfill to dispose household garbage. Measured by weight, household garbage amounts in both eight month periods

were considerably greater than household recyclables (see Figure 2.3). As suggested by the ticket numbers, however, the opposite was the case when wastes are measured by volume.<sup>6</sup> Figure 2.5 also shows the increases in ticket numbers for all streams in the 2020

**Figure 2.5**  
**Tickets and Weights by Solid Waste Stream**  
**First Eight Months 2019, 2020**

Waste Stream	2019 (Jul-Aug)		2020 (Jul-Aug)	
	Tickets	Tonnes	Tickets	Tonnes
Organics	1,483	4,639	1,785	5,674
Recycling	1,419	2,434	1,584	2,391
Gargage	773	3,544	883	4,269

<sup>6</sup> Tickets and weight for organics are shown for the purpose of completeness. It should be remembered that organics are collected every week, whereas both garbage and recyclables are collected EOW on alternating weeks. It should also be noted that when organics and recyclables are collected together, organics must be tipped every time before recyclables are tipped, even though the organics storage containers on the vehicles may not be full.

period. These increases can be attributed to the increase in the number of households the system, as well as the COVID-related changes noted earlier.

**AUTOMATED  
COLLECTION SERVICE  
POST-IMPLEMENTATION  
REVIEW**

**DRAFT REPORT**

**NEILSON**  
STRATEGIES

**OCTOBER 2020  
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## CHAPTER 3

### BENEFITS OF AUTOMATED COLLECTION

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When the City began to examine closely the option of transitioning to an automated collection service, several benefits for users, the community and Nanaimo's Sanitation Division staff were identified. In most cases these benefits have come to fruition. This chapter identifies and reflects on a selection of these benefits. Recommendations that build on the benefits are addressed in the *Draft Report's* final chapter.

#### WORKER SAFETY

In the manual collection system that was in place previously at the City, each collection vehicle was staffed by one person (a Refuse Collector/Operator) who was responsible for driving the vehicle and emptying the garbage and kitchen waste containers into the storage compartments. The system required workers to enter and exit vehicles, and to repetitively lift and tip heavy containers over the course of a full day in all types of weather.

The City's manual solid waste collection system was a physically-demanding job that exposed workers to a high level of risk from injury, and that resulted in a high number of injuries. The City reports that all Refuse Collectors/Operators who worked on the system suffered some level of work-related injury during their tenure. The City notes, as well, that from 2014 to 2018,<sup>7</sup> the City averaged seven WorkSafe BC injury claims per year from its collection vehicle drivers (2017 was a particularly high year).

The desire to reduce the workplace injuries, and in so doing to improve worker safety, was cited by the City as a key reason for shifting from manual to automated collection. This desire has been cited almost universally by municipalities that have made or that are contemplating the same transition. Each injury that occurs in the workplace has the potential to impact an individual's long-term quality of life. Each injury, and the risk of injury occurring, also has a direct financial cost to the employer. In the case of Nanaimo, the injuries related to manual collection would have increased the City's WorkSafe BC premiums, and would have resulted in extra costs for replacement workers. The prevalence of injury in the service also caused WorkSafe BC to impose limits on the number of households each vehicle could serve on an individual route. These limits forced the City to add routes and increase capacity, all at a cost.

The City's decision to transition to automated collection has undoubtedly benefitted City workers in the Sanitation Division. In 2019, only one injury claim was submitted to WorkSafe BC; in 2020, there have been two. It is not clear if the City will benefit financially from lower WorkSafe BC premiums — impacts on premiums take three

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<sup>7</sup> The transition to the automated system was completed in the summer of 2018.



years to emerge, and may be offset by developments in other parts of the organization. It is significant to note, however, that Refuse Collector/Operators interviewed by the consultants report significant improvements in workplace safety in the new service.

### SERVICE SCOPE

The transition to automated collection enabled the City to expand its organics program to include curbside yard waste, and to take on the curbside recycling Recycle BC contract that was previously assigned to a private contractor. The addition of yard waste has allowed residents to reduce the number of self-haul trips to dispose of grass clippings, leaves and other items that can now be placed into the green carts. The assumption of the Recycle BC contract, which was made possible by the increase in collection efficiency, is worth upwards of \$1 million per year — revenues that help to minimize the user fee charged to households.

### GHG EMISSIONS

When designing the automated system, the City chose specifically to purchase CNG vehicles in place of new diesel trucks. CNG vehicles have become the vehicle of choice in municipalities across British Columbia (and beyond) because they emit fewer greenhouse gases than their diesel counterparts. FortisBC cites studies that report overall GHG reductions of up to 30%, with 95% reductions of nitrogen oxides (NO<sub>x</sub>). CNG vehicles also emit almost no particulate matters.

Additional GHG emissions savings are realized through the fewer self-haul trips, noted earlier, required by residents to dispose of yard waste.

### DATA COLLECTION

The RFID tags that are embedded in the automated carts, in conjunction with the on-board computers and sensors in the collection vehicles, allow the City to:

- track the location of all carts
- identify incidents of contamination
- determine when individual carts are collected
- monitor participation rates (i.e., the percentage of households that place carts curbside for pick-up during a scheduled collection time)
- collect a variety of other data

All of the information collected can be used to target education and — where necessary — enforcement efforts aimed at addressing concerns related to the placement of carts for pick-up, the sorting of materials by waste stream, contamination of recyclables and organics, the care of carts, and a range of other issues. Importantly, the information can also be used to optimize collection routes in order to reduce the frequency with which collection vehicles must tip their loads, and can be used to determine when additional capacity (i.e., vehicles, staffing) is required.

## **CONVENIENCE**

The large-capacity, highly-durable collection carts that are used in automated collection make the system extremely convenient and easy to use for households. Residents in the system are required to sort materials into only three different categories — a level of source separation that is the most basic. Residents are able to place recyclables and yard wastes directly into the designated carts as loose materials; there is no need to purchase or use blue bags or large brown bags. Garbage bags are still used by most residents; however, garbage cans no longer need to be purchased. The wheels on the carts make it relatively easy for most residents, even when carts are full, to position their carts curbside for collection.

The City has not yet conducted a survey of households to gauge the level of satisfaction with the automated system. In other centres in which automated collection has been introduced, however, user satisfaction rates have been exceedingly high. In the Township of Langley, for example, a survey of residents who participated in a cart-based system pilot project in 2014 found that 96% of residents rated their experience as excellent or good. In a 2012 survey on a similar pilot project in the City of Abbotsford, 94% of residents approved the use of the carts. Both municipalities subsequently made the decision to shift to automated collection.<sup>8</sup> User experience was an important factor in their decision-making.

## **CLEANLINESS**

The use of durable carts with lids protects materials from wind and pests, and in so doing helps to prevent litter from being strewn across roadways and front yards. The carts' large capacity allow them to hold a considerable amount of material, which in turn helps to eliminate the inconsistency, clutter and unsightliness of multiple bags and piles of material.

## **EFFICIENCY**

Efficiency relates to the amount of curbside solid waste that can be collected using a given set of resources, such as labour and vehicles. Using this definition, the City's new automated collection service is inherently more efficient than its previous manual system. A driver in the manual system was required to leave the vehicle at every stop, physically lift and tip containers into the vehicle's storage compartment, return the containers to the curbside, then re-enter the vehicle and drive on. The same driver in the automated system performs all tasks without ever leaving the cab.

Efficiency gains are offset slightly by the higher cost of the vehicles. It is true, as well, that the per-household amount of solid waste under the new system is greater than that which was collected under the previous method (see Figures 2.3 and 2.4).

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<sup>8</sup> At the time of writing, Abbotsford is transitioning to a fully-automated system that is similar to Nanaimo's service. The Township of Langley opted for a semi-automated system in which carts are physically moved by drivers onto a lifting device bolted to the side of the collection vehicle.

These caveats do not take away from the overall finding, however, that for a given amount of product automated collection is the more efficient alternative.

## CHAPTER 4

### CHALLENGES TO ADDRESS

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All municipalities that choose to transition from a manual curbside collection system to an automated collection service conduct extensive consultation, investigation and analysis to inform their decisions and guide their transitions. Nanaimo offers a strong example of the significant level of effort that was required and undertaken. Over a number of years, beginning in 2014, the City examined collection options, considered service delivery models, and ultimately built a business case to explain the net benefits of an automated system to the City and the community.

Invariably, all municipalities that make the transition experience challenges that need to be addressed in order to capture the full benefits of the new model. In some cases the challenges result from assumptions that, in retrospect, were overly ambitious. In other cases, the challenges could not have been anticipated, or are linked to factors over which municipalities have little or no control. Nanaimo is no different from other municipalities in experiencing both types of challenges.

Once identified, challenges must be understood and addressed, irrespective of their nature or causes. The City of Nanaimo recognizes this need. Nanaimo also recognizes that to do otherwise would only undermine the performance of what is, at its core, a strong and innovative municipal service.

This section of the chapter identifies a list of challenges for the City to consider addressing. The list includes:

- a range of issues related to the City's CNG collection vehicles
- the number of drivers available to operate the vehicles, and the potential for improved driver training
- management of the collection carts
- resident education

All of the challenges presented in the chapter were identified by the consultant based on interviews with a broad range of City staff, a review of City reports and key data, and comparative research on other municipalities with automated collection systems. Over the course of the assignment, the consultant was given full access to all requested information in order to fully understand the service and its evolution. The consultant conducted site visits of the Public Works Yard and the three facilities to which residents' garbage, organics and recyclables are taken. The consultant also joined Refuse Collector/Operators on portions of two collection routes.

#### COLLECTION VEHICLES

As noted in Chapter 2, the City made the decision to purchase split-load, CNG-powered collection vehicles for the automated system. A total of nine (9) such

vehicles are now in service; a tenth is scheduled to arrive for service in 2022. The vehicles are relatively easy to operate, and are responsive both to air quality and noise concerns.<sup>9</sup> The vehicles also perform well in a curbside collection setting in which constant stops and starts are required, and hills are common. The vehicles are not, however, without their issues.

### **Split-Load Vehicles**

The City made the decision in 2009 under its previous manual system to switch from single-load to split-load vehicles. The decision was based in part on the belief that split load vehicles are more efficient because they can collect two streams of solid waste at the same stop. A further reason is related to the fact that the solid waste drop-off facilities are all located in relatively close proximity to one another at the south end of the City. This location pattern allows vehicles to drop two waste streams on the same trip without having to waste significant time driving from one facility to the next.

In the current automated system the split-load vehicles may be less ideal than originally thought. The City has discovered that it is difficult to fill each storage compartment to capacity on each collection route. Invariably, when one compartment is filled and unable to accommodate additional material, the other compartment is under-filled. Vehicles in this situation must leave the route and tip both waste streams, then return to the route to complete collection of the remaining units. The increase in the volume of recyclables, noted earlier, is exacerbating this downside of split-load vehicles by increasing the frequency with which recycling compartments are filled and trips to the MRF and organics facility must be made.

Split-load vehicles are used in some other municipalities and do make sense in many situations, particularly on routes in low-density rural areas in which it is not efficient to send separate single-load trucks for relatively small amounts of each waste stream. Split load vehicles are also used in some places, such as Nanaimo, where drop-off facilities are either on the same site or close to one another. Municipalities that use the vehicles, however, face the same challenge that Nanaimo is facing regarding optimization of storage spaces. Some places have addressed the challenge by adjusting the compartment split from 50-50 to 60-40, or even 70-30 — Nanaimo has chosen 60-40. Others have chosen to incorporate into their fleets a mix of single- and split-load vehicles, and to use single-load trucks for specific streams (e.g., recycling) or specific routes. In addition or in place of these steps, some municipalities have changed the number and size of routes in an effort to improve optimization.

### **Vehicle Amortization**

Capital plans for solid waste collection systems are based on a number of assumptions, one of which is the useful-life period over which collection vehicles

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<sup>9</sup> CNG vehicles are significantly quieter than their diesel counterparts.

are amortized. The standard amortization period across municipalities (and the private waste collection industry) for automated collection vehicles is seven (7) years. Municipalities that borrow funds to purchase vehicles generally plan to repay the loans over this seven year period. Alternatively, municipalities that follow a pay-as-you-go approach to capital funding for vehicles make sure in their planning to set aside enough funding each year to replace the vehicles after seven years.

Nanaimo adopted an amortization period of ten (10) years in its business case planning for the new system. This decision served to lower the system's annual borrowing and equipment replacement charges by lengthening the period of time over which the charges needed to be absorbed. The decision appears to have been influenced, if not driven, by the organization's expectation at the time that the user fee for the new service would be lower than that under the manual system.

To be clear, the City's vehicles can be made to last the full ten years (or longer) set out in the City's business case. The City should expect, however, to incur increased maintenance costs in the final years of the ten-year period.

### Vehicle Maintenance

Large, heavy collection vehicles that are driven in excess of 16,000 km each year, in challenging conditions with constant starts and stops, require regular preventative maintenance as well as ongoing repair. CNG vehicles are not necessarily more expensive to maintain than traditional diesel machines. Certain features of the vehicles and maintenance function in Nanaimo, however, tend to make maintenance more complicated and in some cases more expensive. For example:

- *Split-Load* — The split-load vehicles have mechanical parts to move loads as they are received into different storage compartments. The care of these parts add to overall maintenance.
- *Facilities* — CNG vehicles require special maintenance facilities with higher ceilings than normal garages. When the City began exploring the possibility of a CNG fleet, FortisBC provided some funding to modify part of the City's existing fleets facility. The work with FortisBC was started but not completed. The result today is that the City needs to outsource portions of its collection fleet maintenance to third parties with the facilities and know-how to perform key maintenance tasks. The City's reliance on contractors adds to the cost of maintenance; it also involves sending vehicles off site, which effectively removes them from use for periods of time.
- *Compaction of Materials* — In an attempt to manage the increase in recycling volumes, Refuse Collector/Operators have inadvertently over-compacted materials. Vehicles with recycling materials that are compacted too much are difficult to empty at the MRF — a problem that drivers have experienced and that causes delays. Vehicles with overly-compacted

recyclables also incur problems with packing arms and rear doors that must be repaired or replaced.

- *Mechanics' Working Hours* — The City's mechanics work from Monday to Friday on shifts that, to a large degree, overlap those of the curbside collection drivers.<sup>10</sup> There is little time, as a result, for preventative maintenance or repair work to be undertaken on the vehicles outside of normal collection times. Vehicles must, instead, be removed from service in order to be maintained and repaired.

The City's Fleet Division has worked to improve the situation by introducing flexible start times for shifts. Three mechanics are now available to undertake preventative maintenance on the vehicles from 5:00 am to 8:00 am on weekdays. One hour of this adjusted time must be paid as overtime.

In 2019, the City spent an average of almost \$37,000 to maintain each of its CNG vehicles. This amount was higher than the annual figure of close to \$21,000 anticipated in the 2016 business case, but is on par with 2019 updates to the service's capital program.

### Vehicle Fueling

The City's fleet of CNG vehicles must be fueled once per shift at a specialized CNG fuelling facility.<sup>11</sup> There are three CNG fuelling stations available for general use on Vancouver Island, including two in the City of Nanaimo.<sup>12</sup> The closest station to the City's Public Works Yard is the Mid-Island Co-op on Boxwood Road, 2.0 km from the Yard. The other station is the BC Transit facility beside the Regional District of Nanaimo on Hammond Bay Road, 6.3 km from the Yard.

There are two methods of CNG fuelling available for fleets: fast fill and slow fill.

- *Fast Fill* — Large collection vehicles that use fast fill stations are typically able to fuel in under 20 minutes, not including driving time to and from the facility. The method is ideal for CNG vehicles that must re-fuel during a work shift, and/or vehicles that must re-fuel away from their storage yard. All CNG vehicles at the City use the fast fill method at the Mid-Island Co-op.
- *Slow Fill* — The slow fill method, as its name suggests, takes considerably longer to re-fuel a large collection vehicle. It is ideal for CNG fleets that can fuel overnight on-site at their storage yard.

<sup>10</sup> The City did at one point have the ability to schedule mechanics for weekend shifts. This provision, however, no longer exists in the *Collective Agreement*.

<sup>11</sup> There are times when vehicles need to be re-fuelled twice; however, the data show that one fuelling per trip is standard.

<sup>12</sup> Additional private facilities may also exist.

The City's reliance on an off-site facility to re-fuel its collection vehicles reduces the efficiency of the collection system. Once per shift, drivers must drive to the Mid-Island Co-op, re-fuel their vehicles, then either return to their route or drive to the Public Works Yard, depending on the time of day. Data collected using the City's GPS system show that vehicles spend, on average, 16 minutes fueling, and two minutes driving to the Public Works Yard. The same data show that it takes an average of 15 minutes to drive from the Landfill to the Co-op, 15 minutes from the organics facility, and 12 minutes from the MRF. The combination of time will vary by trip depending on when each driver is required to re-fuel. On an eight-hour shift, however, all of time spent re-fuelling, regardless of precise amount, cuts into the time available to collect from households.

In the coming years the City intends to re-develop its Public Works Yard. At that time the City will have an opportunity to build in an on-site slow fill CNG fuelling facility at which the collection vehicles, when parked overnight, can re-fuel. The addition of this facility would improve the system's overall efficiency. Importantly, the addition would also relieve the City from its dependence on an outside fueling source over which it has little control. An incident affecting the fueling source — e.g., accident, labour unrest, increased demand — could threaten the City's ability to maintain its collection service level.

## **COLLECTION DRIVERS**

### **Overtime Hours**

Under the automated system, Refuse Collector/Operators have incurred significant overtime relative to that which was incurred under the previous manual system. Figure 4.1 on the following page shows the increases that began to occur with the Phase I introduction of the new system in 2017. The significant overtime amounts in 2018 and 2019 were a reflection of:

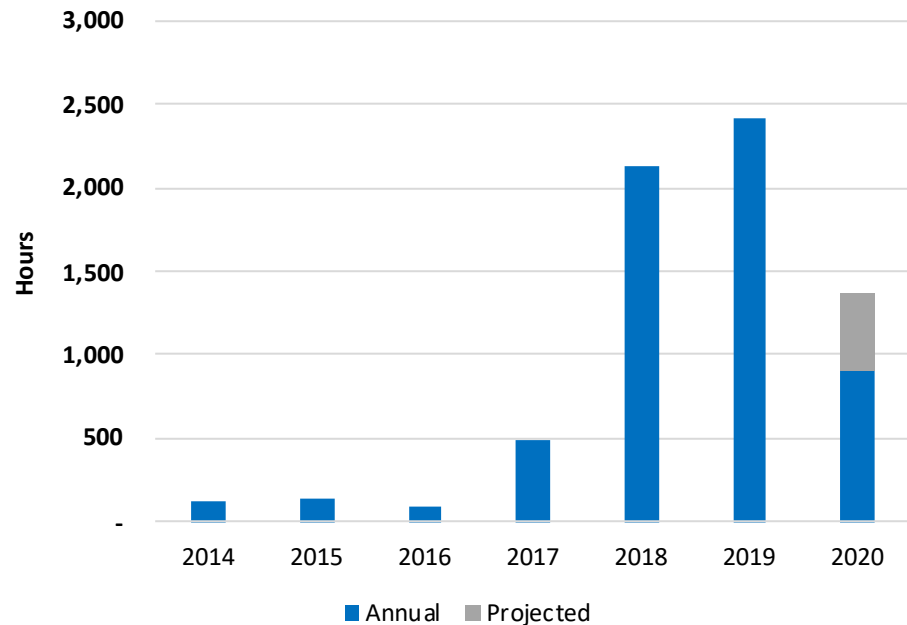
- the increases, noted earlier, in the amount of materials collected under the automated system compared to the earlier manual method
- a lack of additional capacity, or redundancy, built into the system's staffing model as outlined in the business case for the new service

Throughout 2018 and 2019, the increased volumes and lack of staffing capacity were managed largely by having the Refuse Collector/Operators work additional hours to finish their own routes, and/or to assist their colleagues in finishing theirs.

The overtime situation has improved considerably in 2020. Based on overtime records for the first eight months of the year, the total amount of overtime for 2020 is projected at approximately 1,400 hours, which is only 57% of the 2019 total. This number is still both excessive and unsustainable for the City and the individuals who work the time. It is, however, a major improvement over the 2018 and 2017 totals.



**Figure 4.1**  
**Total Driver Overtime Hours**  
**January 1, 2014 to August 31, 2020**



The improvement is attributable to changes introduced by the City in 2020 to better manage the collection of curbside recyclables. More specifically, the Sanitation Division added an extra recycling collection route using one of the back-up vehicles and a back-up (Permanent Auxiliary) driver. The Division was also able to tap into Public Works auxiliary staff that had been brought in by the City to help with overall workload changes anticipated to result from COVID-19.

On a go-forward basis, the City intends to continue to rely on these auxiliary drivers to better manage workloads. This reliance, coupled with further efforts to optimize routes, will help to minimize the need for staff to work overtime hours. Both the City and the individual staff will benefit.

### Driver Training

Refuse Collector/Operators are responsible for driving expensive, heavy vehicles throughout the City on a regular basis. Constant attention is required to protect driver and public safety, avoid causing damage to parked cars, and minimize wear-and-tear on the vehicles. Attention is also required to properly maneuver the hydraulic arms, lift the carts, examine (using the onboard cameras) cart contents for contaminants, return the carts to their curbside positions, and make entries as required on the vehicles' on-board computers.

Refuse Collector/Operators require initial and ongoing training to perform these functions properly. Training under the automated system has been provided since the inception of the service. To date, however, such training appears to have been somewhat informal in nature. Additional formal training, conducted in accordance with a proper module-based training program, could help to improve the system's overall efficiency. Training on the following items would be particularly helpful:

- *Computers* — Regular and consistent use of the vehicles' on-board computers by drivers is needed to bolster the City's data-collection capacity. Data are critical to efforts aimed at optimizing routes, targeting household education, monitoring cart assignment, and addressing other needs. Driver training on the use of the computers is needed both to highlight the importance of the devices, and to improve their functionality.<sup>13</sup>
- *Vehicle Operation* — The sustainability of the service depends, in part, on the City's ability to manage vehicle maintenance and repair costs. Targeted training on efficient vehicle operation can help to reduce the wear-and-tear on the trucks, and in so doing help to keep maintenance and repair costs in check.
- *Inspections* — Staff in the City's Fleets Division have identified the need for drivers to conduct post-trip vehicle inspections at the end of every shift to identify maintenance issues for mechanics to address early the next morning, beginning at 5:00 am, prior to the start of the next shift. Failure to conduct such inspections, or to conduct them properly, can delay the departure of vehicles from the Public Works Yard the next morning.

It is understood that managers and staff in the Sanitation Division, with input from others, spent time in the summer of 2020 to develop new training resources in a variety of formats. These resources, combined with others yet to be developed, can be used to create the formal module-based training program needed.

### COLLECTION CARTS

In 2017 and 2018, the City borrowed a total of \$4.3 million to purchase the collection carts needed for the three-stream automated service.<sup>14</sup> When the carts arrived, considerable effort was taken to assemble, assign and deliver them to users. Efforts were also made to educate residents on proper cart use and placement, and to give residents the option to exchange certain carts for larger or smaller ones. In the early months of the service, resources were made available to ensure that carts were managed properly.

<sup>13</sup> It is important to ensure that all vehicles used in the collection system are outfitted with an on-board computer. One vehicle — Truck 317 — appears to be without a computer.

<sup>14</sup> In the business plan for the service the carts are amortized for a ten-year period. Based on the experiences of other places, the City will likely find that its carts last 15 years or longer before having to be replaced.

The City today has an inventory of well over 80,000 collection carts. Nanaimo has discovered that the effort required to manage the carts on an ongoing basis is significant. Ongoing tasks include:

- receiving and addressing requests for cart exchanges
- identifying and eliminating "phantom carts" (i.e., carts with missing or mis-assigned RFIDs)
- ensuring that carts are properly repaired rather than being left idle
- ensuring that carts are assembled and delivered to new dwellings that join the service
- ordering new carts as required

All municipalities that have transitioned to a cart-based automated collection system have come to realize the need for ongoing cart management. Several have found it necessary to create a cart administrator position or to assign the tasks to existing staff with available capacity. Nanaimo may need to consider a similar course of action.

### RESIDENT EDUCATION

Residents who use the automated service have an important role to play in making the system function efficiently. Efforts made by residents to sort materials properly, place carts curbside at the right time and in correct way, ensure that parked cars do not impede collection, and address other needs are important to the service's overall success.

Considerable education and information for households was provided in the service's early days, as would be expected. Targeted information has been provided on various items since that time in response to issues that arise. Additional efforts may be needed to address specific issues that persist. Consider the following points:

- *Cart Hold-Backs* — Each Refuse Collector/Operator is required to stop and collect every cart that is put out for collection on his or her assigned route. Each stop for a cart adds time to the collection process and limits the overall size of route than can be collected.

It is clear from on-board cameras and the City's data that not all collection carts placed curbside are fully packed with material. Indeed, in some cases the carts are not even half full. In these instances, overall system efficiency would be increased if residents held back their carts until the following collection time. Over time, this type of consistent cart management on the part of residents could help to optimize route sizes and make the system more efficient.

- *Cart Placement* — Proper cart placement increases the efficiency with which Refuse Collector/Operators are able to collect carts and complete their routes. Conversely, improper placement can add time to pick-ups by drivers

who are forced to reposition their vehicles or — worse — exit their cabs to manually reposition the carts. The City has materials available to help residents understand the importance of cart placement and how to do it. Efforts to draw attention to these materials may be needed.

- *Cardboard* — Since the beginning of the COVID-19 pandemic, Nanaimo and other municipalities have experienced a significant increase in the amount of cardboard in the recycling waste stream. The cause of this increase is believed to be changes in consumer behaviour in favour of online buying and home delivery of goods. Cardboard causes blockages, capacity issues, delays and other problems in automated collection systems when it is not cut into smaller pieces and flattened properly.

The City has issued public information notices on the need for proper cardboard management by users of the automated system. Additional efforts may be needed.

- *Contamination* — The high-capacity blue carts that are used for household recyclables are convenient and easy to use. Residents are able to co-mingle all recyclables into one bin only, and are not forced to separate plastics, cardboards, paper, packaging and other items. The convenience and ease of use encourage recycling, result in higher volumes of recyclables, and can help to increase a jurisdiction's diversion rate. The same attributes, however, tend to result in higher levels of contamination as well.

Contamination levels are monitored by Recycle BC. The company has the right under its contract with the municipality to charge financial penalties for loads with contaminants that exceed 3% of the total weight of the materials. To date, Recycle BC has only infrequently imposed penalties against municipalities. This leniency cannot be expected, however, to continue.

The City has some useful educational materials available to help residents avoid contamination. Additional efforts, however, are required. It is hoped that the City's new Zero Waste Coordinator will be able in the near future to develop and deliver portions of the education that is needed. To date, the position has been focused on responding to COVID-related needs in the Sanitation Division.

- *Demand Management* — Efforts aimed at helping residents manage their demand for service are also important. Working with residents to reduce the amount of waste they generate — "reduce" being the first of the five "r's" — would help to reduce the need for service and the amount of household solid waste to be processed and/or landfilled.

Efforts by the City's Zero Waste Coordinator aimed at waste reduction will be important in helping to manage service demand.

## CHAPTER 5

### RECOMMENDATIONS TO CONSIDER

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The City of Nanaimo has made a considerable investment in its automated curbside collection service. The service provides many benefits City workers, the municipal corporation, households that use the system, and the broader community. The service also, however, faces a number of challenges that, left unaddressed, may undermine the success of the service and its long-term sustainability.

This final chapter of the *Draft Report* presents a series of recommendations that are designed to build on the service's benefits and address its challenges. The recommendations are divided into two groups beginning with recommendations to consider for implementation in 2021. These recommendations, if accepted, will have budget implications for the coming fiscal year. The second group of recommendations includes those to consider for action beyond 2021.

#### RECOMMENDATIONS FOR 2021

##### Route Optimization

The City's Sanitation Division is struggling with its current resources to maintain curbside collection service levels in the face of significant growth in household organics, garbage and recyclables. Additional resources are needed to help the service cope without having to rely on significant amounts of overtime labour. Additional resources should not be added, however, until the existing network of collection routes is reconfigured — or, optimized — to achieve greater efficiency.

Optimized collection routes on a system with split-load vehicles are those that can be completed by a single truck, within an eight-hour work shift that allows time for mandated breaks, trips to disposal/processing facilities, refuelling stops, and pre- and post-shift vehicle inspections. Optimized routes are designed based on all of these factors, plus data on:

- the volumes of different waste streams to be collected
- the number of households
- user participation rates
- the age of collection vehicle (vehicles purchased for Phase I of the implementation have slower hydraulic lift arms than the vehicles bought for Phase II)
- the total driving distance to and from disposal facilities
- the driving distance to and from the Public Works Yard

The City has two years' worth of data from on-board computers and other sources with which to perform route optimization. City staff have used these data to suggest reconfiguring the system into ten separate collection zones, each of which would feature five separate garbage/organics collection routes, and six separate

recycling/organics routes. By elevating one of the three diesel back-up trucks to full-time usage, by assigning the current single-axel collection vehicle to collect one small route from two zones each day, and by bringing on an extra Refuse Collector/Operator in January, 2021, instead of as planned in July, 2022, the City would realize an increase in system capacity of 20%. This added capacity would address the challenge identified in Chapter 4 related to excessive overtime, as well as the significant increases in the amount of materials. In all, the extra capacity would place the service on a more sustainable path.

The capital plan for the service calls on the City to order an additional new CNG vehicle in 2021, for delivery to the system in July, 2022. Once delivered, this vehicle would replace the back-up truck that is proposed to be elevated to full-time use starting January, 2021.

With an extra full-time Refuse Collector/Operator in January, 2021, the City would have the core staff needed to run the ten-zone system. Support from the four available Permanent Auxiliary drivers would be important to keep in place in order to provide adequate coverage for periods of core staff absence.

➤ **Recommendations**

*THAT Council endorse the ten-zone route optimization proposal developed by staff for implementation in January, 2021; and*

*THAT Council direct staff to advance the hiring of an additional Refuse Collector/Operator (1.0 FTE) from July, 2022, to January, 2021.*

**Cart Management**

The need for and importance of ongoing management of the City's inventory of collection carts was highlighted in Chapter 4.

➤ **Recommendation**

*THAT Council direct staff to create an administrative position (0.5 FTE) to manage the collection cart inventory.*

**Driver Training**

The City's Refuse Collector/Operators have received some training to help them perform their jobs and to help increase the overall efficiency of the collection system. As suggested in Chapter 4, however, additional targeted training should be considered.

➤ **Recommendation**

*THAT the City develop and provide targeted training to Refuse Collector/Operators on a variety of topics, including:*

- *the proper use of the collection vehicles' on-board computers to bolster the City's data collection efforts*

- *the proper operation of the vehicles to reduce wear-and-tear, and to better manage vehicle repair and maintenance costs*
- *the inspection of vehicles at the end of each shift to identify issues for mechanics to address prior to the start of the next shift*

It is difficult for the Sanitation Division to carve out a block of time for group training during the work week (collection takes place on every weekday with the exception of statutory holidays). The City should, therefore, consider creating a separate training day each year by adding one non-collection day to the collection schedule.

➤ **Recommendation**

*THAT Council direct staff to add one non-collection day to the collection schedule each year to allow for Refuse Collector/Operator training.*

**Data Collection**

The importance of the City's data collection efforts has been emphasized in this *Draft Report*, including in the recommendation on driver training. To strengthen its data capacity the City should ensure that all collection vehicles are equipped with the necessary on-board computer. One collection vehicle — Truck 317 — does not currently have such a computer.

➤ **Recommendation**

*THAT Council direct staff to purchase and install an on-board computer for Truck 317.*

**Resident Education**

Residents have a significant role to play in increasing the collection system's overall efficiency. Additional education and information for residents may be needed to help residents fully contribute.

➤ **Recommendation**

*THAT the City develop and provide targeted education and information resources to guide residents in:*

- *determining when to hold-back carts until the following collection day*
- *placing carts for pick-up*
- *preparing cardboard for collection*
- *reducing contamination in recyclables*
- *reducing the amount of household waste generated*

**RECOMMENDATIONS BEYOND 2021**

The recommendations listed for 2021 are designed to create additional service capacity through the reconfiguration of routes, and the addition of a relatively modest amount of resources. The recommendations for driver training and resident education are designed to add to efficiency gains by lowering vehicle maintenance

costs, and improving households' use of the system.

Recommendations beyond 2021 do not have budget implications for the coming fiscal year, but are no less important to the service's long-term success. These recommendations are presented in this section of the text.

### Collection Vehicles

The discussion on collection vehicles in Chapter 4 highlighted challenges related to the reliance on split-load vehicles, and the longer-than-standard vehicle amortization period. Challenges related to the fleets (maintenance) facility, the vehicle fuelling situation and the scheduling of mechanics were also identified. All of these challenges inform the following recommendations:

➤ **Recommendations**

*THAT the City examine the potential to diversify its collection fleet by including single-load vehicles in future years, either in addition to or in place of end-of-life split-load vehicles, for the collection of high-volume streams such as recycling;*

*THAT the City use a seven-year amortization period in its capital planning for new collection vehicles;*

*THAT the City incorporate into its future re-design of the Public Works Yard a fleets facility that can accommodate the City's CNG collection vehicles;*

*THAT the City incorporate into its future re-design of the Public Works Yard a slow-fill CNG fueling facility with sufficient capacity to fuel the City's entire CNG collection fleet; and*

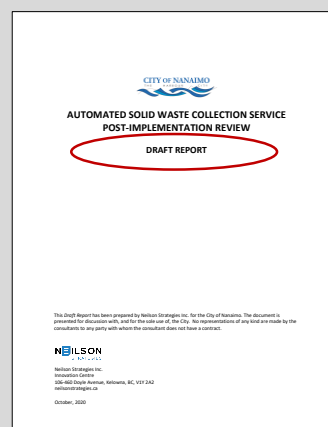
*THAT the City explore the potential to alter shift times for vehicle mechanics to enable collection vehicles to be consistently maintained and repaired outside of collection times.*





## OVERVIEW

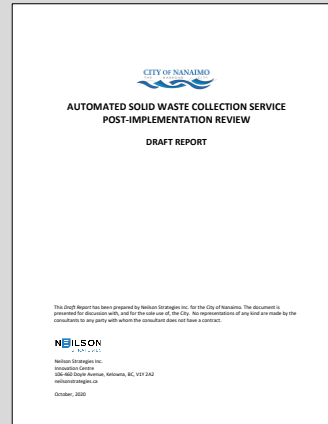
- Purpose of Service Review
- Existing Service
- Benefits of the Service
- Challenges to Address
- Recommendations to Consider
  - ✓ 2021 fiscal year
  - ✓ beyond 2021





## PURPOSE

- Significant investment in the service
- Conditions since inception have changed
- Desire to determine changes needed to strengthen service
  - ✓ efficiency
  - ✓ sustainability



## EXISTING SERVICE

- Cart-based service
- Public health, environmental and community goals
- *Bylaw No. 7128* sets out service level and requirements
- In-house service delivery





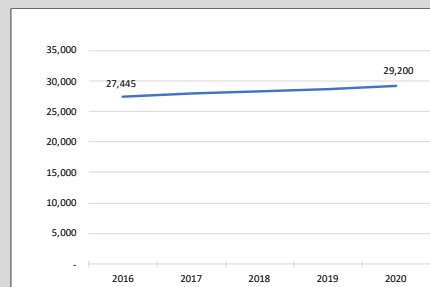
## EXISTING SERVICE

- CNG vehicles + back-ups
- Split-load vehicles, 60-40
- Mid-Island Co-op for fuel



## EXISTING SERVICE

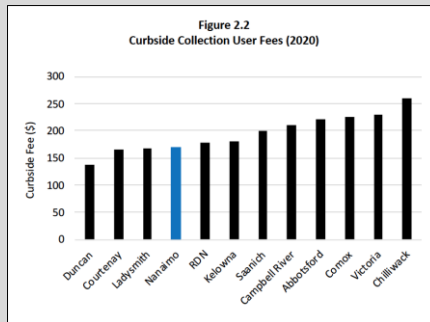
- CNG vehicles + back-ups
- Split-load vehicles, 60-40
- Mid-Island Co-op for fuel
- Consistent growth in households





## EXISTING SERVICE

- ▶ Service Revenues
  - ✓ user fees
  - ✓ Recycle BC contract



## EXISTING SERVICE

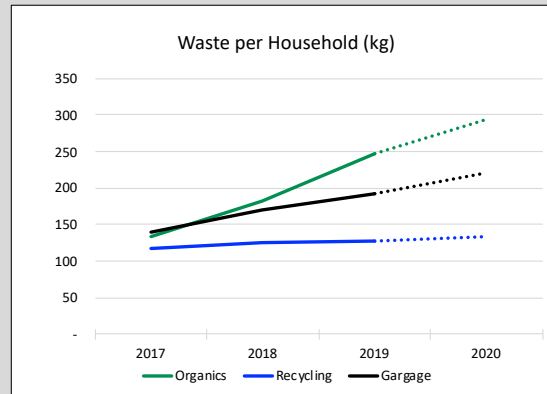
- ▶ Service Revenues
  - ✓ user fees
  - ✓ Recycle BC contract
- ▶ Service Expenses
  - ✓ tipping fees
  - ✓ labour
  - ✓ fleet charges
  - ✓ debt servicing





## EXISTING SERVICE

- ▶ Materials collected by weight



## EXISTING SERVICE

- ▶ Materials by volume

Waste Stream	2019 (Jul-Aug)		2020 (Jul-Aug)	
	Tickets	Tonnes	Tickets	Tonnes
Organics	1,483	4,639	1,785	5,674
Recycling	1,419	2,434	1,584	2,391
Gargage	773	3,544	883	4,269



## BENEFITS

- Worker safety
- Service scope
- GHG emissions
- Data collection



## BENEFITS

- Worker safety
- Service scope
- GHG emissions
- Data collection
- Convenience
- Cleanliness





## BENEFITS

- Worker safety
- Service scope
- GHG emissions
- Data collection
- Convenience
- Cleanliness
- Efficiency



## CHALLENGES

- Collection vehicles
  - ✓ split-load
  - ✓ maintenance
  - ✓ slow-fill CNG





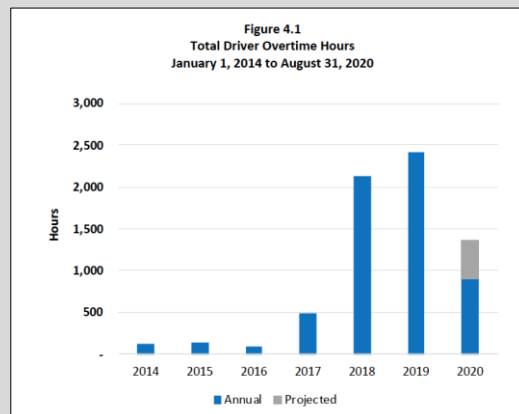
## CHALLENGES

- ▶ Collection drivers
  - ✓ considerable pride in work; *esprit de corps*



## CHALLENGES

- ▶ Collection drivers
  - ✓ overtime
  - ✓ driver training







## CHALLENGES

- ▶ Collection carts
  - ✓ administrative assistance needed



## CHALLENGES

- ▶ Resident education
  - ✓ cart hold-backs





## CHALLENGES

- ▶ Resident education
  - ✓ cart placement



## CHALLENGES

- ▶ Resident education
  - ✓ cardboard volumes
  - ✓ contamination





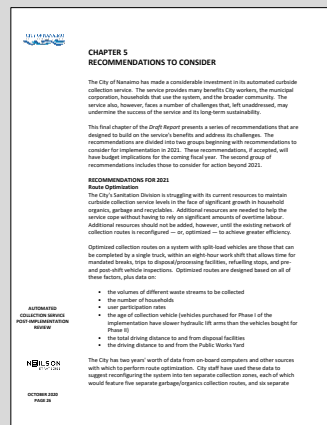
## CHALLENGES

- Resident education
  - ✓ cardboard volumes
  - ✓ contamination
  - ✓ demand management



## RECOMMENDATIONS

- Recommendations
  - ✓ 2021 fiscal year
  - ✓ beyond 2021





## RECOMMENDATIONS

### ► Route Optimization

- ✓ maximize capacity given fleet, labour, shift constraints, volumes of material, household numbers, participation, driving distances
- ✓ minimize need for additional vehicles, labour, overtime, tipping



## RECOMMENDATIONS

### ► Route Optimization

- ✓ City has collected and analyzed two years' of data
- ✓ proposed route configuration and number make sense





## RECOMMENDATIONS

- ▶ *THAT Council endorse the ten-zone route optimization proposal developed by staff for implementation in January, 2021*
- ▶ *THAT Council direct staff to advance the hiring of an additional Refuse Collector/Operator (1.0 FTE) from July, 2022, to January, 2021*



## RECOMMENDATIONS

- ▶ Cart Management
  - ✓ all municipalities have realized the need for ongoing cart management





## RECOMMENDATIONS

- ▶ *THAT Council direct staff to create an administrative position (0.5 FTE) to manage the collection cart inventory.*



## RECOMMENDATIONS

- ▶ Driver Training
  - ✓ some training done already; some ongoing
  - ✓ further targeted training would be helpful to address range of needs





## RECOMMENDATIONS

- ▶ *THAT the City develop and provide targeted training to Refuse Collector/Operators on a variety of topics, including:*
  - ✓ *the proper use of the collection vehicles' on-board computers to bolster the City's data collection efforts*
  - ✓ *the proper operation of the vehicles to reduce wear-and-tear, and to better manage vehicle repair and maintenance costs*
  - ✓ *the inspection of vehicles at the end of each shift to identify issues for mechanics to address prior to the start of the next shift*



## RECOMMENDATIONS

- ▶ *THAT Council direct staff to add one non-collection day to the collection schedule each year to allow for Refuse Collector/Operator training.*



## RECOMMENDATIONS

- ▶ Data Collection
  - ✓ good data collection is critical to system efficiency



## RECOMMENDATIONS

- ▶ *THAT Council direct staff to purchase and install an on-board computer for Truck 317.*





## RECOMMENDATIONS

- ▶ Resident education
  - ✓ residents have a big role to play in making the system work, and making the service efficient



## RECOMMENDATIONS

- ▶ *THAT the City develop and provide targeted education and information resources to guide residents in:*
  - ✓ *determining when to hold-back carts until the following collection day*
  - ✓ *placing carts for pick-up*
  - ✓ *preparing cardboard for collection*
  - ✓ *reducing contamination for collection*
  - ✓ *reducing the amount of household waste generated*



## BEYOND 2021

- ▶ *THAT the City examine the potential to diversify its collection fleet by including single-load vehicles in future years, either in addition to or in place of end-of-life spit-load vehicles, for the collection of high-volume streams such as recycling.*
- ▶ *THAT the City use a seven-year amortization period in its capital planning for new collection vehicles.*
- ▶ *THAT the City incorporate into its future re-design of the Public Works Yard a fleets facility that can accommodate the City's CNG collection vehicles.*



## BEYOND 2021

- ▶ *THAT the City incorporate into its future re-design of the Public Works Yard a slow-fill CNG fueling facility with sufficient capacity to fuel the City's entire CNG collection fleet.*
- ▶ *THAT the City explore the potential to alter shift times for vehicle mechanics to enable collection vehicles to be consistently maintained and repaired outside of collection times.*



**CITY OF NANAIMO  
AUTOMATED SOLID WASTE COLLECTION SERVICE**

## **POST-IMPLEMENTATION REVIEW**

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DATE OF MEETING NOVEMBER 9, 2020

AUTHORED BY TAAJ DALIRAN, MANAGER SANITATION, RECYCLING & CEMETERIES

SUBJECT RESIDENTIAL WASTE COLLECTION OPTIMIZATION PLAN

## **OVERVIEW**

### **Purpose of Report**

To update Council on a proposed optimization to the sanitation service routing and seek approval for 2021 Budget adjustments.

### **Recommendation**

That the Governance and Priorities Committee recommend that Council endorse the Ten-Zone Waste Collection Optimization Plan for implementation in January 2021.

## **BACKGROUND**

On July 15, 2020, Council received an Information Report regarding the Sanitation Service Review (the Review). This review is now complete and is addressed in a separate report on today's Governance & Priorities Committee agenda. This report is presented separately, as it is a significant change to the City's operation deserving of focused attention.

In conjunction with the Review, it became apparent there was opportunity to change the pattern of collection to provide balance between landfill and recycling collection streams. Staff developed the plan to optimize collection routing to improve capacity to respond to a significant increase in utilization to the service.

The draft 2021 user rate for sanitation service is expected to be \$181 in the Draft Financial Plan.

## **DISCUSSION**

Since introduction of the Automated Collection Program in 2017, user participation and tonnage of material collected significantly increased, to where we are seeing over 50% higher collection over the three years of the program.

In response, the City increased the number of collection routes from seven to eight routes in 2018, and from eight to nine routes in 2019. Of the current nine routes, eight are larger and serviced by tandem axle trucks, and one is smaller and accessible only by single axle trucks.

User participation and the amount of material collected, continues to increase in 2020, surging an additional 18 percent compared to the same period last year, with no observed slackening of demand.

Changes in consumer and household behaviour exacerbated by the COVID-19 pandemic has resulted in increased online purchasing by households. This leads to higher volumes of recycling materials placed curbside; notably cardboard packaging and wrapping material. Discussion with material recovery facilities and other municipalities indicates an estimated 10 to 15 percent increase in the recycled materials – a significant increase in low-density, high volume material.

The increased volume requires our operators to travel to the organics and recycling facilities to empty twice on recycling collection days, causing 15 percent increase in workload on recycling weeks. To maintain the service level, spare trucks are deployed and hours of collection extended to evenings and weekends. Each month, on average, 24 routes were collected one day later than the scheduled day since May 2020.

Staff anticipate that the trend will continue. While an education campaign is imminent and necessary to refocus consumer habits, the day to day operation is expected to continue to struggle to keep up with surging demand.

The Sanitation service is projected to be significantly over its 2020 budget, due to increased volumes of all three streams, leading to increased disposal costs, along with higher Staff costs and equipment maintenance.

Prolonged working hours impact on operators' health and wellbeing, and ability to safely operate equipment. It is essential to increase the curbside collection capacity to provide a safe, efficient, cost effective, and sustainable service in response to continued increase.

### **Optimization**

During the Sanitation Service Review data collection phase, it became apparent there was an opportunity to optimize the service. The proposed change separates collection of landfill waste from recyclables, rather than collecting exclusively landfill material one week and recycling the next.

The changes divide the City into 10 collection zones to continue alternating biweekly collection. Each zone is divided into two different sets of routes, permitting adequate resourcing of each stream independently, in effect, increasing recycling capacity by 20 percent.

Using extensive GIS analysis, Staff collated data on a number of factors, such as volumes of materials, number of homes, driving distances, number of stops, fuel and break times to develop optimized routes. Dividing each zone into 5 landfill waste collection routes and 6 recyclable collection routes optimizes capacity for each stream, and balances the workload of imbalanced demand for landfill waste collection compared to recyclable collection.

Ratepayers will see a minor adjustment to timing, and be assigned to a different route number within a new zone. Otherwise, the experience will be the same – they will continue to receive alternating biweekly collection of recycling and landfill material. The transition period is proposed for the weekends of January 16/17 and January 23/24, 2021. This will provide a short

period of a higher level of service to switch from one routing system to the other. This keeps the interval between collections shorter – valuable after Christmas.

A comprehensive communication strategy accompanying the new calendars will educate and inform the public about the changes.

For the optimization to succeed, Staff propose to accelerate the hiring of a driver from July 2022 to January 1, 2021, along with budget for increased overtime during the two weekends of the transition. This relatively modest investment will improve recycling capacity by 20% and maintain the same level of service for the ratepayer. The change balances a number of factors, including operator workload, collection, line-ups at disposal facilities and reduces potential overtime. This will also allow acquisition of future specialized equipment for each stream.

## Summary

To summarize the changes and financial impact of optimizing sanitation collection routes:

- The City will be divided into ten zones, and each zone into six recycling routes and five garbage routes.
- An existing spare vehicle will be used on the new route, until the planned new vehicle arrives in July 2022.
- Hiring of an additional refuse collector is proposed to be for January 2021, rather than July 2022.
- Transition to the new routing program is proposed for January 16/17 and January 23/24, 2021, ensuring that residents do not see a decrease in the level of service.
- The additional costs of the transition are expected to be \$177, 238, or \$6 per user in 2021.

## OPTIONS

1. That the Governance and Priorities Committee recommend that Council endorse the Ten-Zone Waste Collection Optimization Plan for implementation in January 2021.
  - The advantages of this option include creation of capacity to handle current recycling volumes, and balancing of workload between streams, while maintaining the current level of collection service.
  - The disadvantages of this option may include some public concern regarding changes to their service, along with the costs associated with the new driver and transition over two weekends.
  - Financial Implications: Adding an additional collection zone in 2021 would increase the 2021 budget by \$117,238 or approximately \$6 per user bringing the total annual fee to \$187. The change is proposed to be included in the 2021 – 2025 Provisional Financial Plan.
2. That the Governance and Priorities Committee provide alternate direction.

. ]

### **SUMMARY POINTS**

- As a result of the Sanitation Service Review, Staff propose to optimize the City's routes, balancing collection of the landfill and recycling streams.
- Residents will be assigned a new route number, but will still receive weekly alternating waste collection.
- Optimizing collection routes will build additional capacity at a reasonable additional cost.
- An upcoming education campaign will seek to reset consumer waste habits, with the object of reducing disposal volumes – and costs.

### **ATTACHMENTS:**

Attachment A – Sanitation Service Review Information Report July 15, 2020

Attachment B – Residential Waste Collection Optimization Plan Presentation

#### **Submitted by:**

Taaj Daliran  
Manager, Sanitation, Recycling, Cemeteries

#### **Concurrence by:**

Laura Mercer  
Director, Finance

Bill Sims  
General Manager, Engineering & Public  
Works



# Information Report

DATE OF MEETING JULY 15, 2020

AUTHORED BY BILL SIMS, GENERAL MANAGER, ENGINEERING AND PUBLIC WORKS

**SUBJECT SANITATION SERVICE REVIEW**

## **OVERVIEW**

### **Purpose of Report:**

To advise Council of Staff's intention to conduct a service review on the automated solid waste collection program to inform the upcoming budget cycle.

## **BACKGROUND**

Solid waste collection is a comprehensive service provided to non-strata residential addresses, up to four-plex. It represents very good value: for less than \$3.50 per week, the City removes almost all organic waste, recycling and garbage from residents' curbside. At the same time, it is highly sensitive – top of mind in the public's perception of City services. Staff, notably the drivers and front office staff, are committed to providing a high level of service.

Last year was the first full year of automated curbside solid waste collection. The program is successful in reducing worker injuries, increasing diversion from the landfill and adding convenience for residents by including yard waste in the organic disposal stream. Currently, the City serves over 29,000 households, with collection rates growing rapidly. Curbside garbage collection is up, but self-haul trips to the landfill are down. As a result of higher than expected growth, the pandemic, and an increase in people at home, coupled with online ordering, the capacity of the sanitation system is significantly stretched. While the physical injury rate among sanitation drivers is lower, Staff are working long, hard hours to ensure the program's success.

## **DISCUSSION**

The automated collection program was implemented based on research into similar municipalities, some of whom were also new to the initiative. A number of assumptions drove the business case. The program is experiencing challenges due to growth, higher than expected participation and use of the system, resulting in overload and overuse of equipment, leading to early equipment fatigue and contamination. With the popularity of automated waste growing across North America, equipment delivery times are stretching to longer than 18 months. This makes increasing collection capacity a challenge. With changing consumer behaviour, we are tending to work the vehicles beyond their service ability.

Now that Nanaimo has over a year's experience under its belt, it is timely to conduct a service review of the program. The review would update the initial assumptions, review successes, optimize practices, look for capacity improvements, re-examine financial modelling and make



course corrections to ensure the program's long-term sustainability. The review can examine Nanaimo's experience and lessons learned in other jurisdictions to chart a forward path.

### **Financial Implications**

Estimated costs for the review are expected to be in the range of \$25,000. Funding is available under the sanitation cost centre, contracted and miscellaneous services. This line item was intended for the curbside waste audit, originally intended to occur in 2020. The audit has been postponed as a result of potential exposure of Staff to the COVID-19 virus.

Quarterly financial projection work is currently underway. Based on the initial review, Sanitation is expected to be significantly over budget by the end of the year due to overtime wages and higher than expected maintenance costs. The cost of this review has been included in the projection numbers. The Quarter Report for the period ending June 30<sup>th</sup>, 2020 will come to the next Finance and Audit Meeting.

### **CONCLUSION**

The proposed service review is proposed to be conducted by a third-party consultant with significant experience in municipal service reviews, including solid waste automated collection.

#### **SUMMARY POINTS**

- Automated solid waste collection is a high profile service that residential ratepayers value highly.
- With almost two years' experience, it is timely to conduct a service review to look for opportunities to optimize the automated solid waste collection program.
- A service review is intended to ensure the program's long term sustainability.

#### **Submitted by:**

Bill Sims  
General Manager,  
Engineering and Public Works

#### **Concurrence by:**

Laura Mercer,  
Director, Finance

Jake Rudolph  
CAO

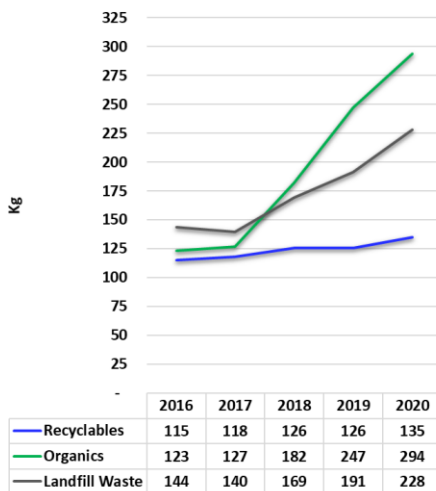
# Residential Waste Collection Route Optimization

November 9, 2020

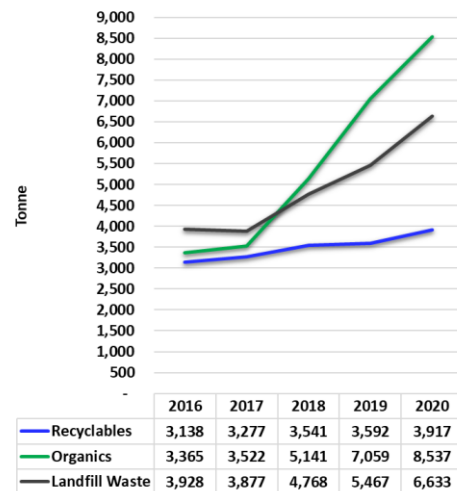


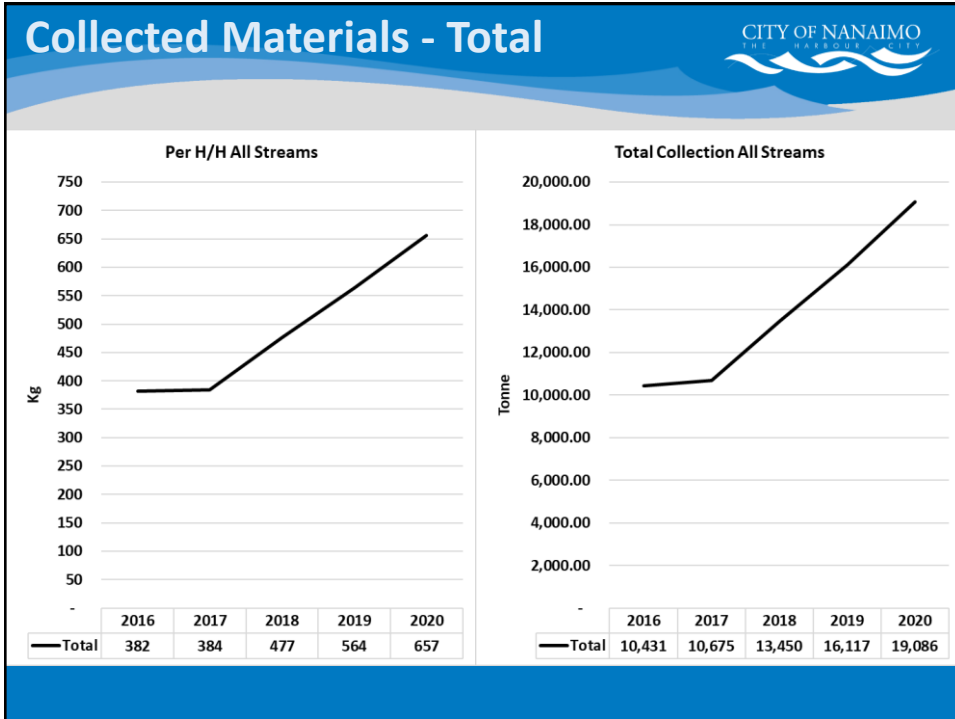
## Collected Materials - By Stream

Per H/H Collection by Stream



Total Collection by Stream





## Materials Collected: **Recyclables**



## Increase Recyclable Volume





## Pandemic Impact



### **North America & Europe:**

**Commercial waste has decreased.**

**Waste has decreased in cities with high commercial and tourist activities.**

**With more people at home, residential waste has increased across most cities. Some city's reported 45% increase, has overwhelmed collectors and increased contamination of recyclables.**

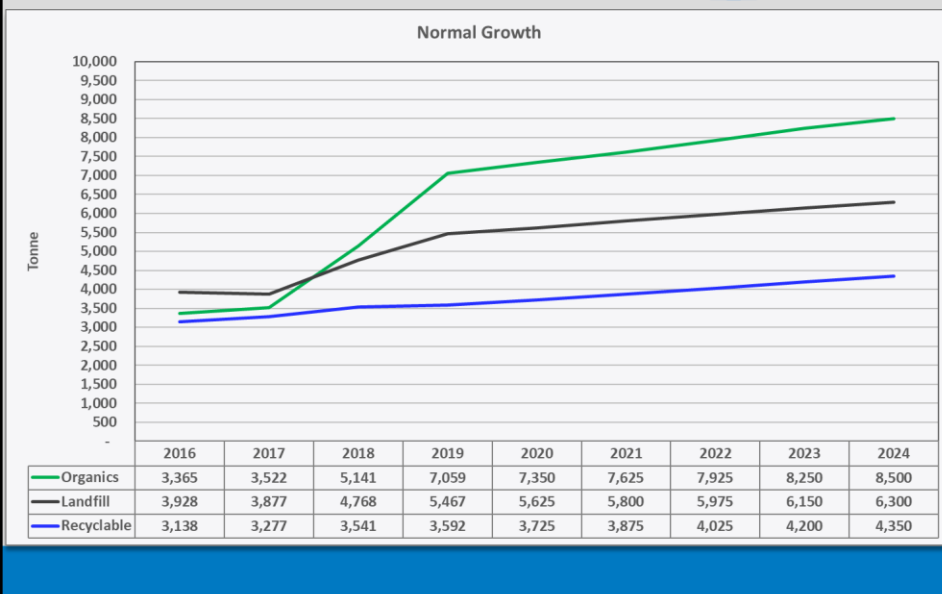
### **BC:**

**Other municipalities have experienced residential waste increases and commercial waste decrease.**

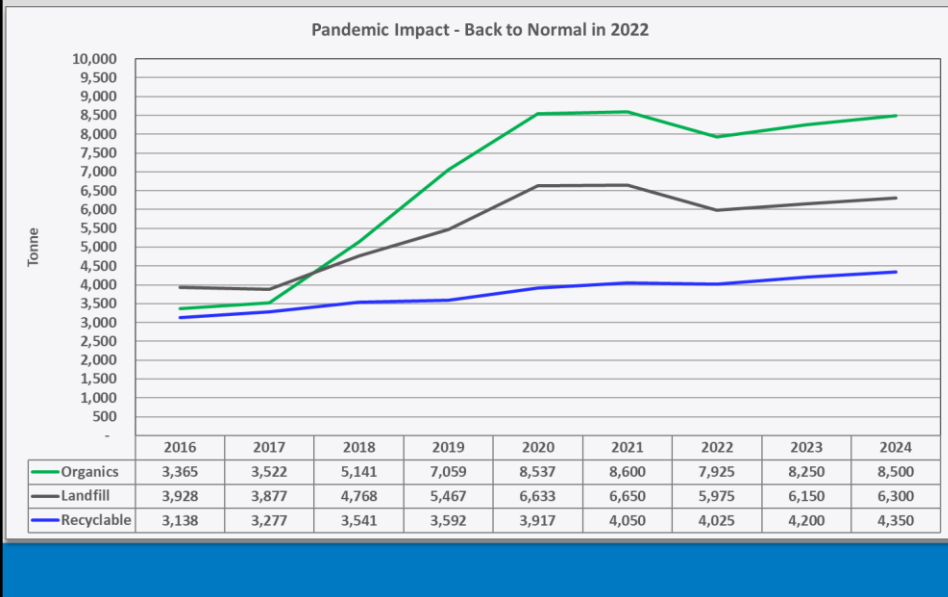
### **RDN:**

**Commercial waste dropped, Residential and Self-haul increased**

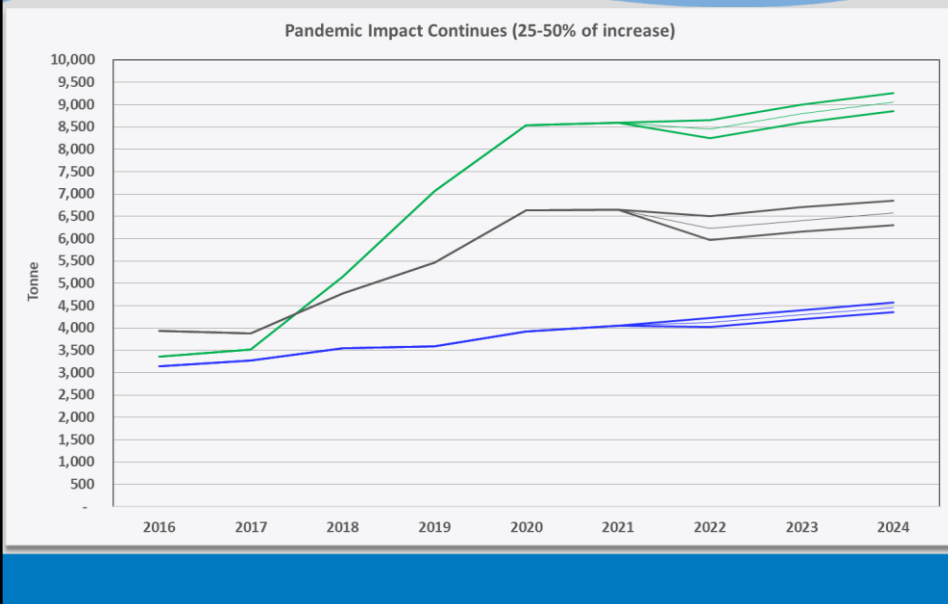
## Normal Growth – No Pandemic



## Pandemic Impact on Growth - Scenario 1: Back to Normal in 2022



## Pandemic Impact on Growth - Scenario 2: 25-50% of the pandemic increase continues



## Current Operations

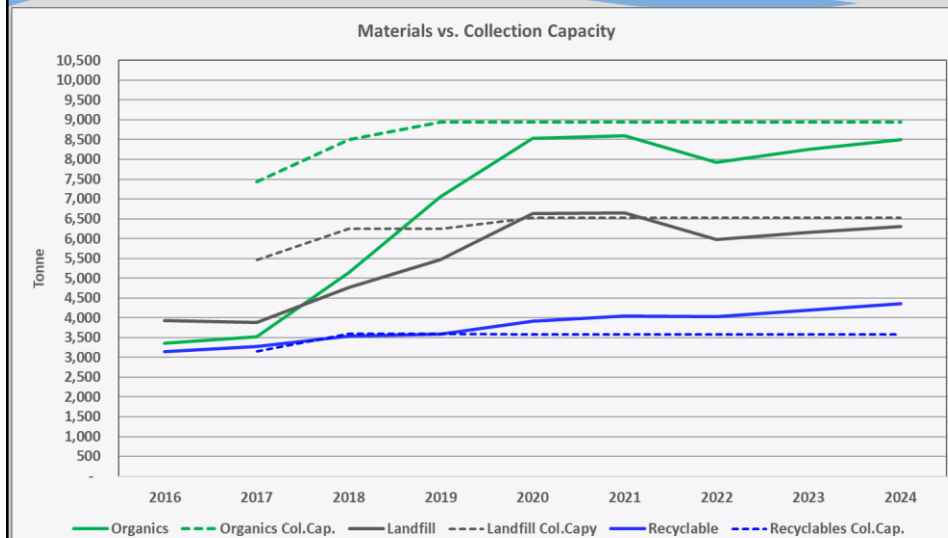


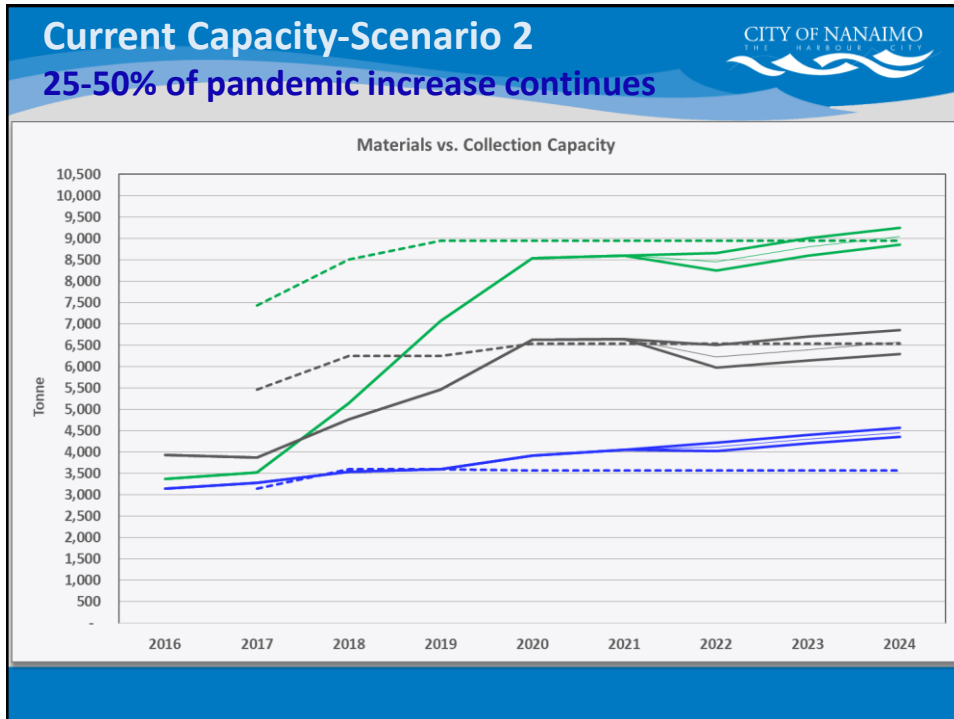
<b>Zones:</b>	<b>5</b>
<b>Routes:</b>	<b>45 (same routes for both streams)</b>
<b>Tandem Axle Trucks</b>	<b>8</b>
<b>Single Axle Truck</b>	<b>1</b>
<b>Operators</b>	<b>9</b>

### Annual Collection Capacity:

<b>Comingled Organics</b>	<b>8,900 tonnes</b>
<b>Landfill Waste</b>	<b>6,500 tonnes</b>
<b>Recyclable Materials</b>	<b>3,600 tonnes</b>
<hr/>	
<b>Total</b>	<b>19,000 tonnes</b>

## Current Capacity - Scenario 1 Back to Normal in 2022





### Optimization

CITY OF NANAIMO  
THE HARBOUR CITY

**Common solution to increase capacity is to add equal number of route(s) in each zone.**  
**This will result in increased capacity for all streams.**

**Proposed plan separates the recyclables collection from landfill collection, and divides each zone into two independent collection routes.**  
**This will result in increasing capacity where it is needed.**

**Each zone:**

- ☐ 5 landfill waste collection routes
- ☐ 6 recyclable collection routes



## Optimized Operations

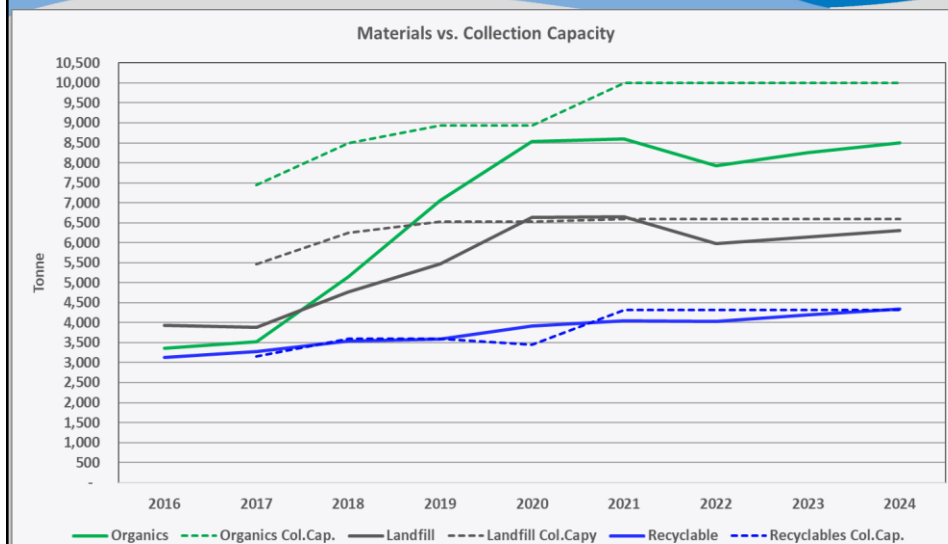


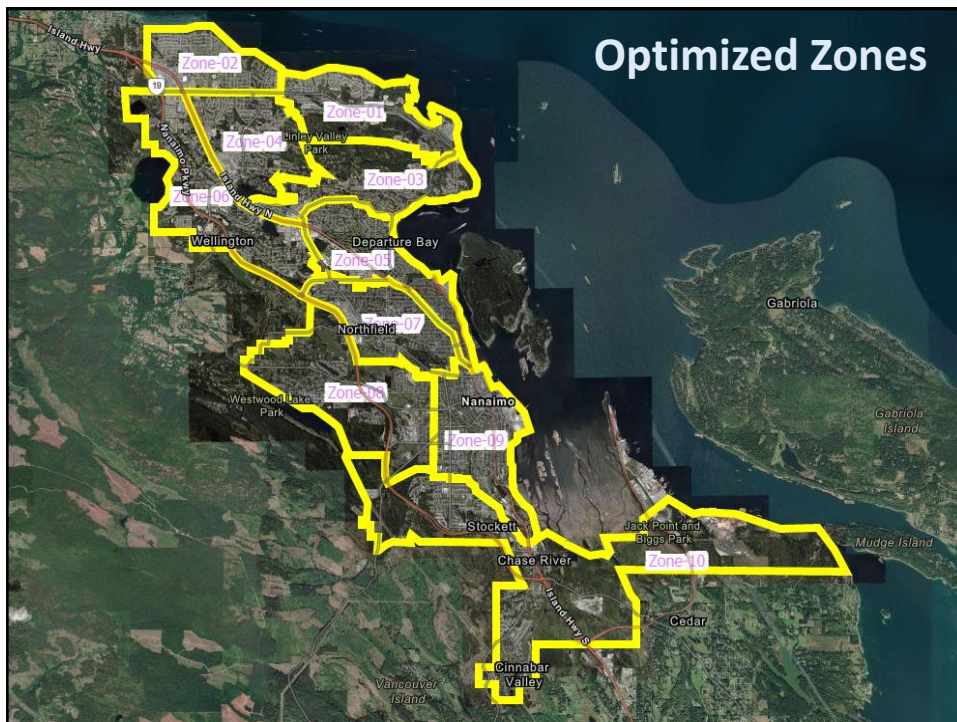
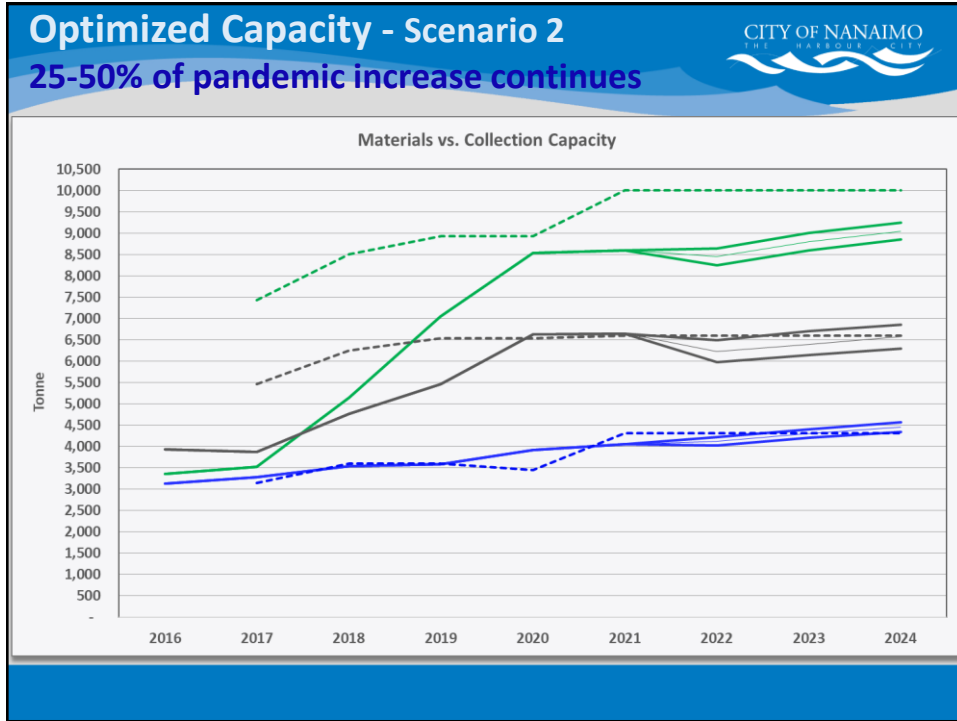
<b>Zones:</b>	<b>10</b>
<b>Routes:</b>	<b>110 (50 landfill and 60 recyclables)</b>
<b>Tandem Axle Trucks</b>	<b>9</b>
<b>Single Axle Truck</b>	<b>1</b>
<b>Operators</b>	<b>10</b>

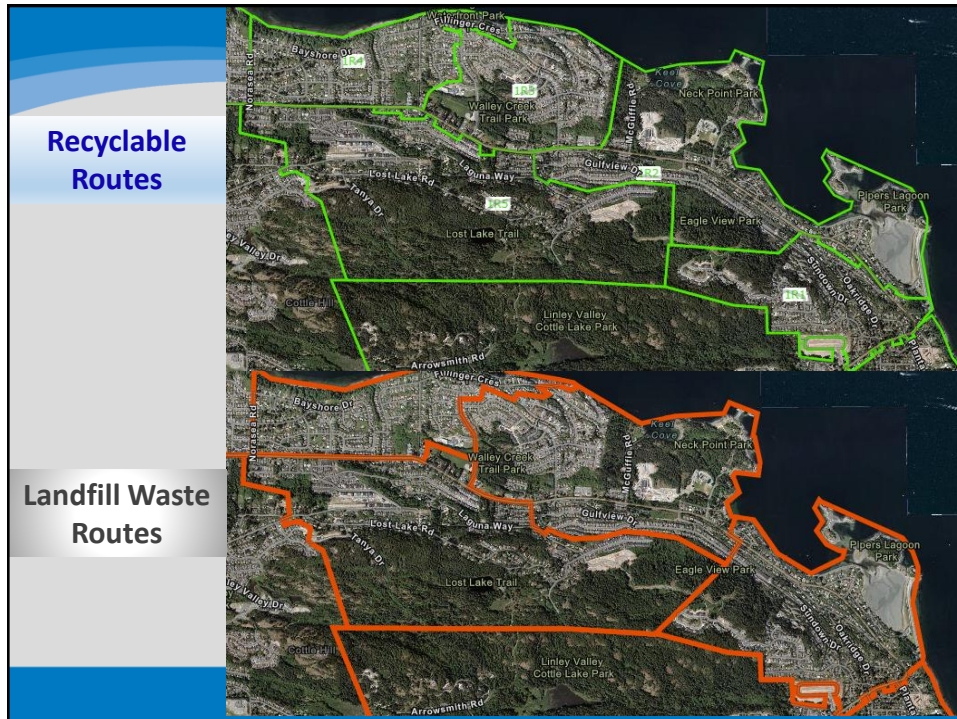
### Annual Collection Capacity:

<b>Comingled Organics</b>	<b>10,000 tonnes</b>
<b>Landfill Waste</b>	<b>6,600 tonnes</b>
<b>Recyclable Materials</b>	<b>4,300 tonnes</b>
<hr/>	
<b>Total</b>	<b>20,900 tonnes</b>

## Optimized Capacity - Scenario 1 Back to Normal in 2022







## Advantage of Optimization



- ☐ Increases recyclables capacity 20% and organics capacity 10%.
- ☐ Maintains existing service level of curbside collection.
- ☐ Allows scheduling of adequate resources for each stream
- ☐ Balances the workload while demand for landfill waste collection to recyclable materials is imbalanced.
- ☐ Reduces time spent in line-up at disposal facilities.
- ☐ Reduces overtime.
- ☐ Provides future capacity for diversion rate increase.
- ☐ Allows future acquisition of specialized and more efficient equipment for each stream.

Service User Experience - January						
CITY OF NANAIMO THE HARBOUR CITY						
January						
S	M	T	W	T	F	S
					1	2
					New Year's Day	
3	4	5	6	7	8	9
	Route 4	Route 5	Route 1	Route 2	Route 3	
10	11	12	13	14	15	16
	Route 4	Route 5	Route 1	Route 2	Route 3	3R4,5R4 4
17	18	19	20	21	22	23
Zone 1	Zone 3	Zone 5	Zone 7	Zone 9	Zone 6	Zone 3
6R4	Zone 4	Zone 2	Zone 8	Zone 10	Zone 4	Zone 10
24	25	26	27	28	29	30
Zone 2	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	
Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10	
31						

Service User Experience - 2021						
CITY OF NANAIMO THE HARBOUR CITY						
March						
S	M	T	W	T	F	S
	1	2	3	4	5	6
	5	6	Staff Training Day	7	8	
	10	1		2	3	
7	8	9	10	11	12	13
	9	10	1	2	3	
	4	5	6	7	8	
14	15	16	17	18	19	20
	4	5	6	7	8	
	9	10	1	2	3	
21	22	23	24	25	26	27
	9	10	1	2	3	
	4	5	6	7	8	
28	29	30	31			
	4	5	6			
	9	10	1			

## Summary



- ☐ Ten collection zones, each zone - six recycling and five garbage routes.
- ☐ Uses existing spare vehicle, until the new vehicle arrives in July 2022
- ☐ Accelerate hiring refuse collector to for January 2021, from July 2022
- ☐ Transition: January 16/17 and January 23/24, 2021
- ☐ No decrease in the level of service.
- ☐ \$6 increase per user in 2021.



*Thank you!*

Questions?



## **Coherence: The quality of forming a unified whole**

*“Just as an equalizing tuning system permitted twenty-four different musical scales to integrate and to influence one another for the first time—so cities need a framework to unify their many disparate programs, departments, and aspirations...When a community has a vision, and a plan for how to carry it out, and is able to coherently integrate its disparate elements, then it begins to be well tempered. Coherence is essential for cities to thrive.”*

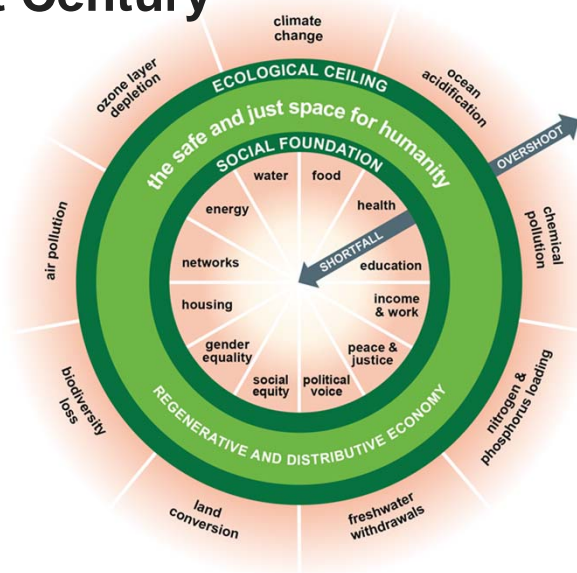
- Jonathan F.P. Rose (The Well Tempered City)

## Effectively coordinating: Action to achieve shared goals

### Frameworks:

- Communicate a clear vision, purpose and direction;
- They are aspirational, organized around objectives; and
- They include key performance indicators to assess progress.

## Doughnut Economics: A Big Picture Framework for the 21st Century





## Amsterdam: Downscaling the Doughnut

*“the launch of a new and holistic approach to downscaling the Doughnut, and we are confident that it has huge potential at multiple scales – from neighbourhood to nation – as a tool for transformative action.”*

- Kate Raworth



(Source: The Amsterdam City Doughnut - A Tool for Transformative Action)

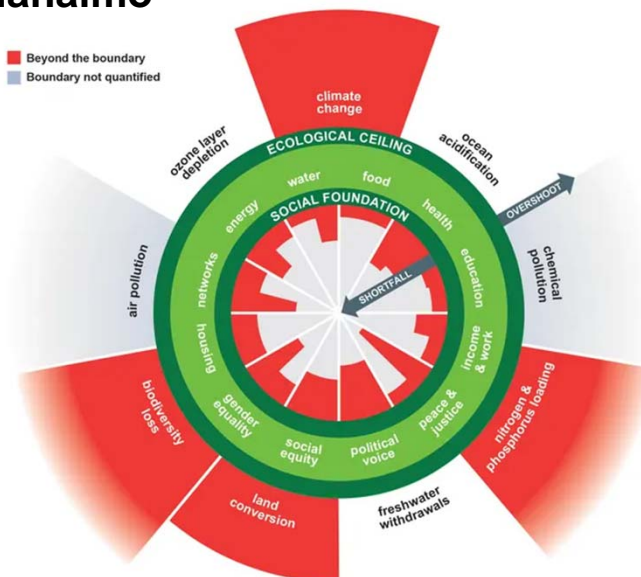
## Reimagine Nanaimo Guiding Principles

- **Build on successful policies** in existing documents;
- Incorporate Council's strategic themes identified in the 2019-2022 Strategic Plan: Environmental Responsibility, Governance Excellence, Livability, and Economic Health;
- Acknowledge and **address the priorities of climate change, Truth and Reconciliation, and sustainable service delivery**;
- Include robust community engagement in the creation of the plans and strategies;
- Incorporate a **monitoring process to measure and track progress**; and,
- Provide a **clear and coordinated vision to guide community building for the next 25 years**.





## The Doughnut as a Unifying Framework for Reimagine Nanaimo



- The Official Community Plan;
- Parks, Recreation and Cultural Plan;
- Active Sustainable Transportation Plan;
- Economic Development Strategy;
- Water Supply Strategic Plan, and
- Climate Action Plan.

Please click on the link below to view the YouTube video titled “Downscaling the Doughnut to the City”.

<https://www.youtube.com/watch?v=YCqGf7T9ABo>

DATE OF MEETING November 9, 2020

AUTHORED BY ROB LAWRENCE, ENVIRONMENTAL PLANNER

SUBJECT REIMAGINE NANAIMO CLIMATE ACTION PLAN UPDATE

## **OVERVIEW**

### **Purpose of Report:**

To provide information to the Governance and Priorities Committee on the REIMAGINE Nanaimo Climate Action Plan Update.

## **BACKGROUND**

At the Council Meeting on 2019-APR-29, the City of Nanaimo officially declared a climate emergency for the purposes of identifying and deepening our commitment to protecting our economy, our ecosystems, and our community from global warming.

Declaring the climate emergency challenges the City to lower Greenhouse Gas emissions (GHG) between 50% and 58% below 2010 levels by 2030, and between 94% and 107% below 2010 levels by 2050. The motion included completing a review and update to the City's Sustainability Action Plan (Climate Action Plan).

The REIMAGINE Nanaimo process involves a comprehensive planning policy review and update of key strategic planning policy documents for the City. Central to this is an update of Nanaimo's 2008 Official Community Plan (OCP); the 2005 Parks, Recreation and Culture Plan; and the creation of the City's first Active Transportation Plan.

The process includes public engagement for these plans as part of a broader process that involves coordinated engagement and review of other key strategic plans, including the Economic Development Strategy, Water Supply Strategic Plan, and the Climate Action Plan.

By combining the review and update of these policy documents, the City can maximize community participation and engagement on these interrelated policy documents. This approach ensures consistency between the plans and efficient resource use, and prevents public confusion and potential engagement fatigue from multiple overlapping planning processes. The process also provides an opportunity to consider combining several plans into one document.

The Climate Action Plan update includes a review and update of the City's Greenhouse Gas (GHG) emissions profile. The profile identifies the City's GHG emissions levels since 2012 and provides a set of projections for anticipated fossil fuel use for 2030 and 2050, with options and recommendations on how the City can best meet its GHG reduction targets.

## **DISCUSSION**

As part of the background preparation for the REIMAGINE Nanaimo process, environmental 'Technical Backgrounders' have been prepared for the following three core topic areas: Greenhouse Gas (GHG) Mitigation, Climate and Hazard Adaptation, and Green Infrastructure / Nature.

These documents build on the more general 'Public Backgrounders' that are on the REIMAGINE Nanaimo website. They are aimed at a professional and technical stakeholder audience. Their main purpose is to summarize Nanaimo's progress in these core topic areas and compare that to what other leading jurisdictions have done, with a focus on the Pacific Northwest and jurisdictions with similar goals and objectives.

While the presentation to the Governance and Priorities Committee accompanying this report touches on climate and hazard adaption and green infrastructure/nature, its main focus is on GHG mitigation, including a review of the City of Nanaimo's GHG emissions profile and projections for GHG emissions to 2050. A review of the City's climate actions to date is compared with other communities in the Pacific Northwest and British Columbia.

## **CONCLUSION**

This report and presentation provides the Committee with a progress update on the City's Climate Action Plan review, including the role of Regional Growth Strategy and OCP in meeting the City's climate action goals. The presentation also highlights where the Climate Action Plan update fits within the REIMAGINE Nanaimo process and the opportunity that provides for the City to consider further climate action initiatives within the context of a comprehensive policy review.

### **SUMMARY POINTS**

- As part of the background preparation for the REIMAGINE Nanaimo process, environmental 'Technical Backgrounders' have been prepared for the following three core topic areas: Greenhouse Gas (GHG) Mitigation, Climate and Hazard Adaptation, and Green Infrastructure / Nature.
- The Climate Action Plan update includes a review and update of the City's GHG emissions profile. The profile identifies the City's GHG emissions levels since 2012 and provides a set of projections for anticipated fossil fuel use for 2030 and 2050, with options and recommendations on how the City can best meet its GHG reduction targets.
- The presentation also highlights where the Climate Action Plan update fits within the REIMAGINE Nanaimo process and the opportunity that provides for the City to consider further climate action initiatives within the context of a comprehensive policy review.

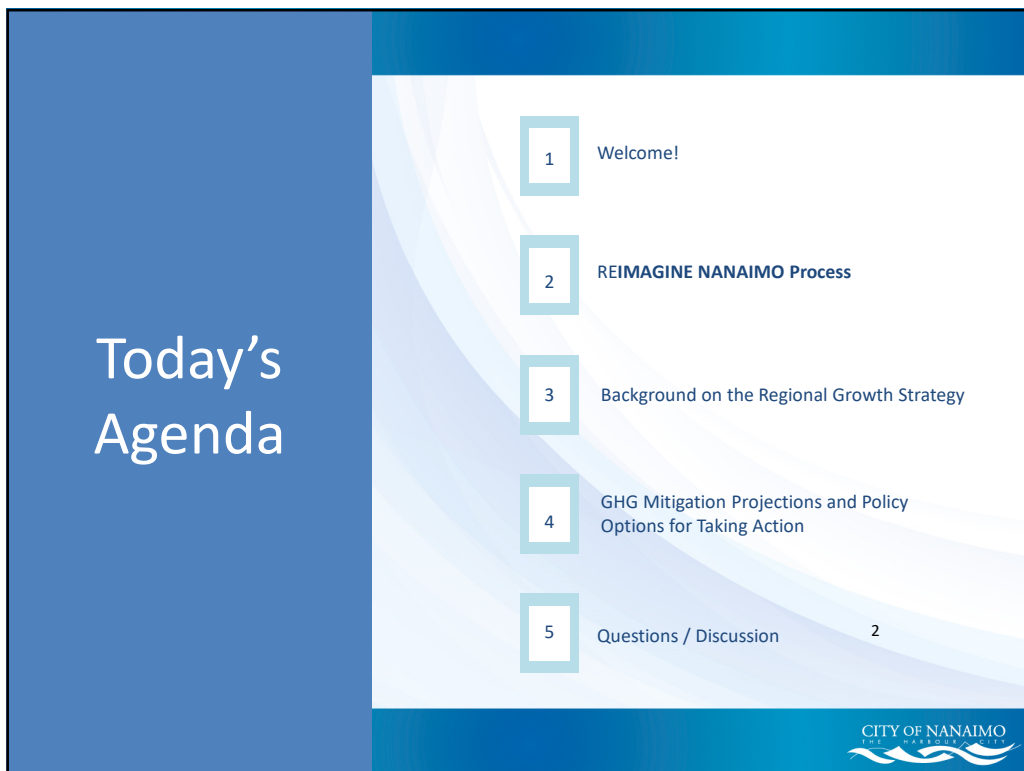
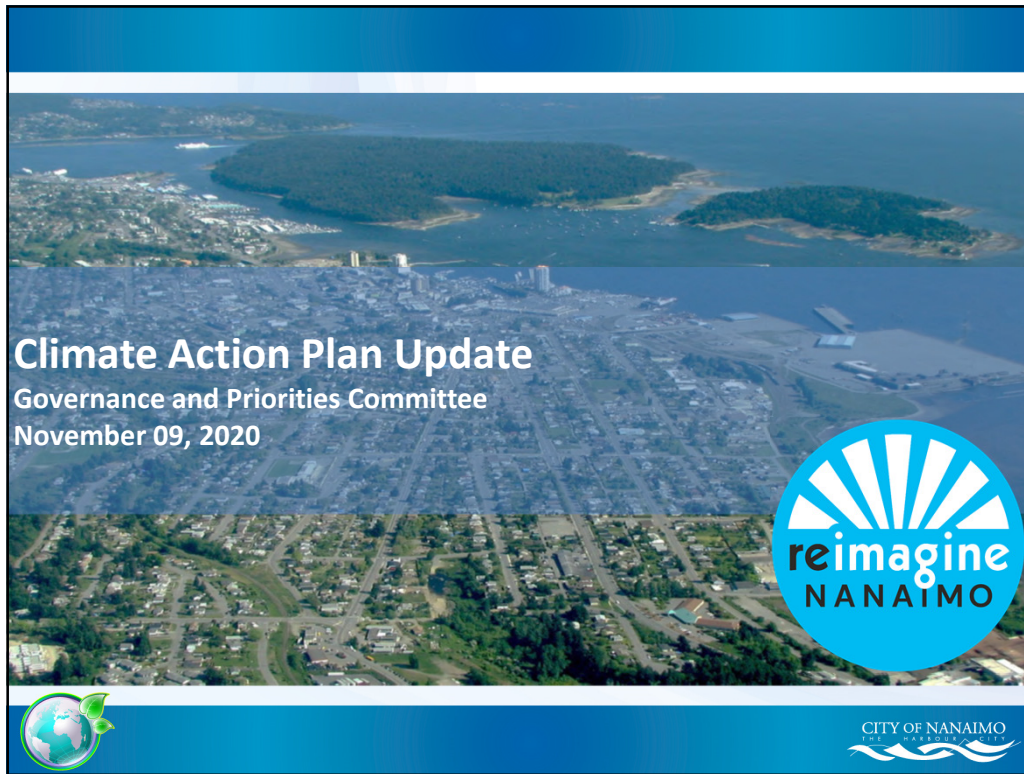
#### **Submitted by:**

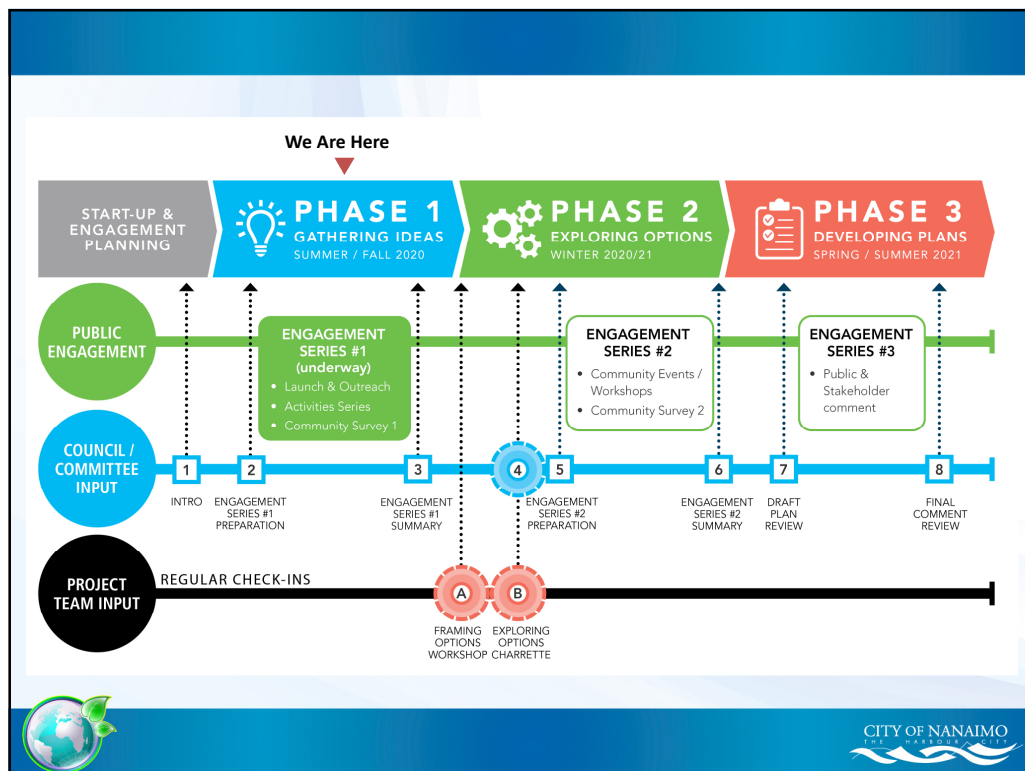
Rob Lawrance  
Environmental Planner

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services









## Positioning Nanaimo to address Climate Change

**TABLE 2: CLIMATE CHANGE GOALS AND OBJECTIVES FOR CANADA**

GOALS	OBJECTIVES
Thriving Canadians	Healthy Canadians
	Resilient Canadians
	Sustainable Ecosystems
	Intergenerational Fairness
Economic Prosperity	Low-Carbon Competitiveness
	Climate Resilience
	Cost-Effectiveness
Global Action	Global Emission Reductions
	Policy Spillovers
	Technology Spillovers

- Pandemic Recovery
- Remote Working
- Ex-urban migration
- Affordable Housing
- Fuel switching
- Green Infrastructure

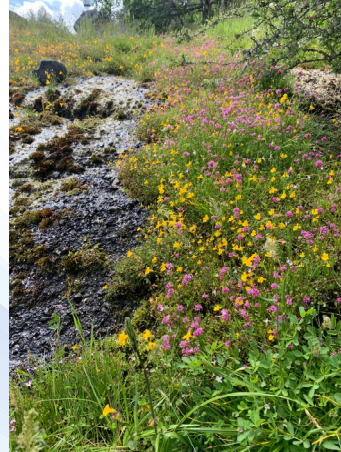
(From Charting our Course, Canadian Institute for Climate Choice, 2020)

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## Focusing Areas of Environmental Concern?

- Climate Mitigation: GHG targets and trends
- Climate Adaptation: flood / rainfall / drought / heat / slope stability
- Watersheds: water quality and quantity
- Habitat conservation and restoration
- Urban forest and vegetation cover / urban agriculture



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THE PARADISE CITY

## Reframing Environmental Concern?



- Attractive Mobility Hubs and Nodes
  - Walk to work, recreation and culture
  - Vehicle Charging, cycle parking
  - Longer commuter e-bike, transit connections
- Green and complete neighborhoods
  - Support gentle densification and housing diversity
  - rainwater management and water conservation
  - Encourage habitat restoration and local food production
- Nanaimo Pride of people and place
  - Housing and social support
  - Manage for wildfire interface risk
  - Invasive species management (Volunteers in Parks / stewardship)



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## WHAT IS THE REGIONAL GROWTH STRATEGY?



- **Agreement** between municipalities and electoral areas on how growth is managed

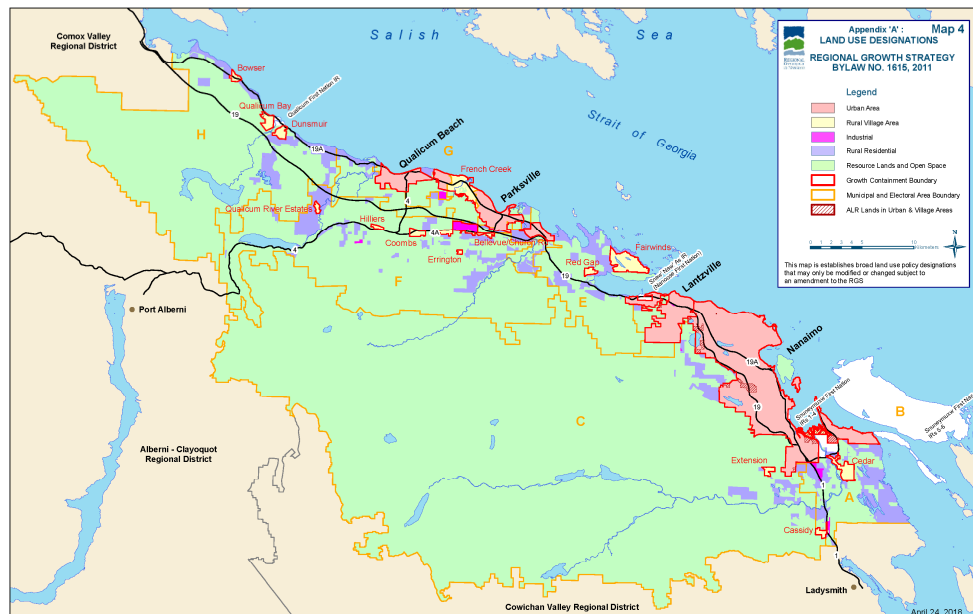
Establishes a **vision** of how the RDN is to grow

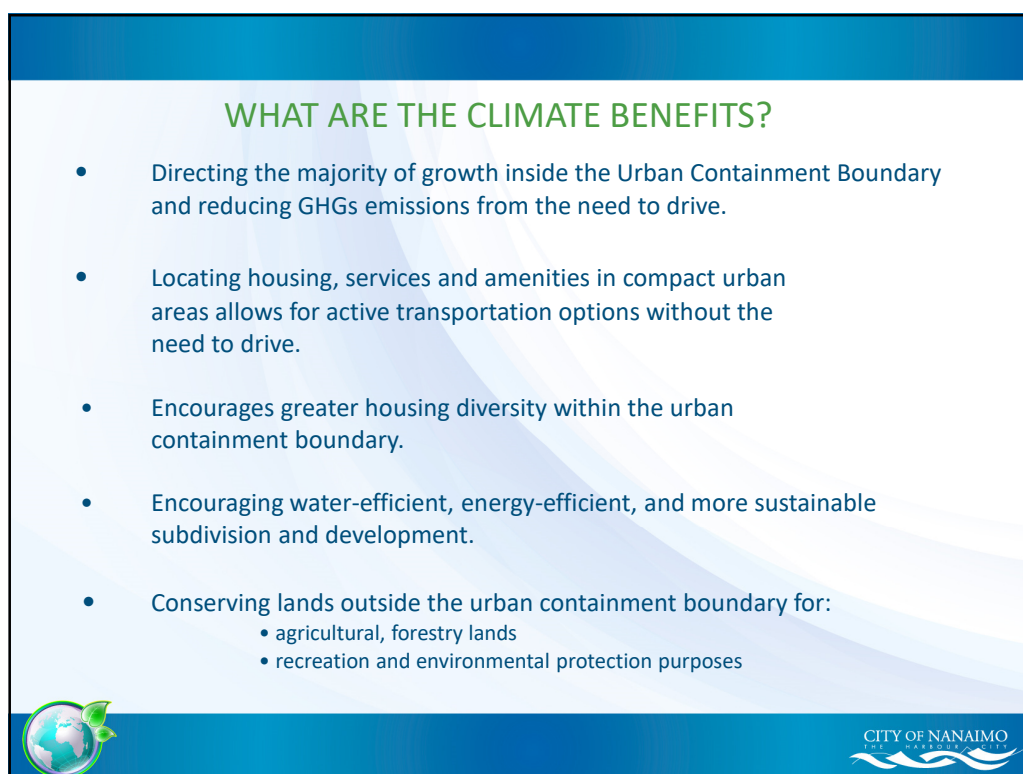
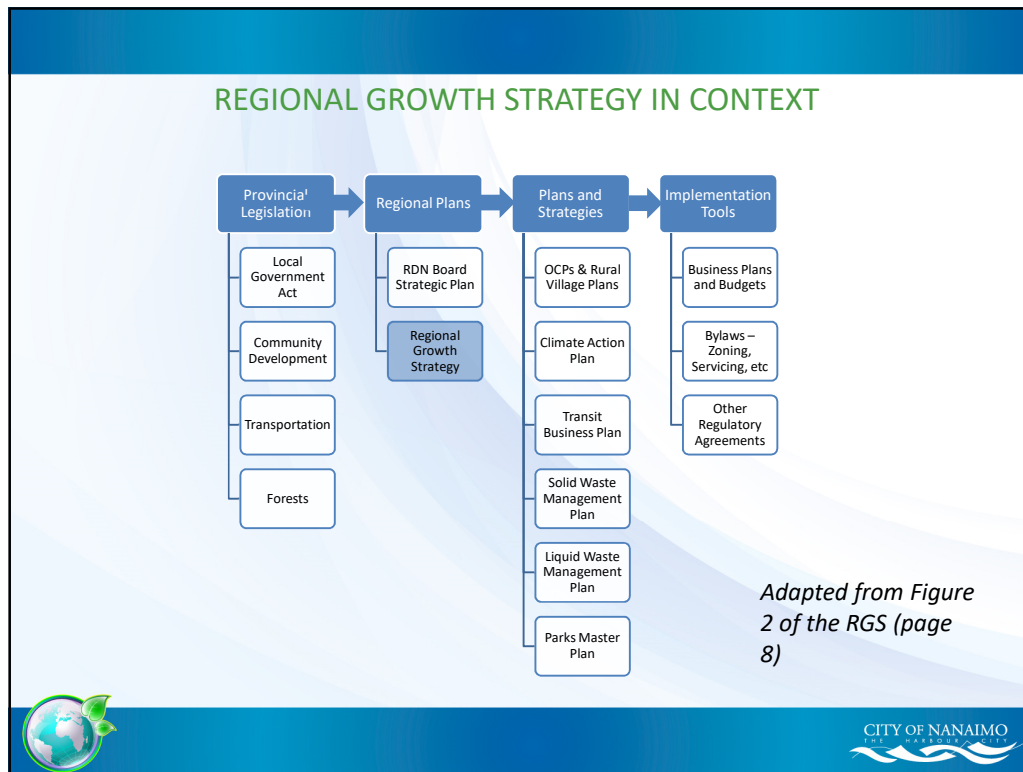
Sets **goals** and **policies**, as well as **targets** to monitor progress.

Adopted by **bylaw** of the RDN Board

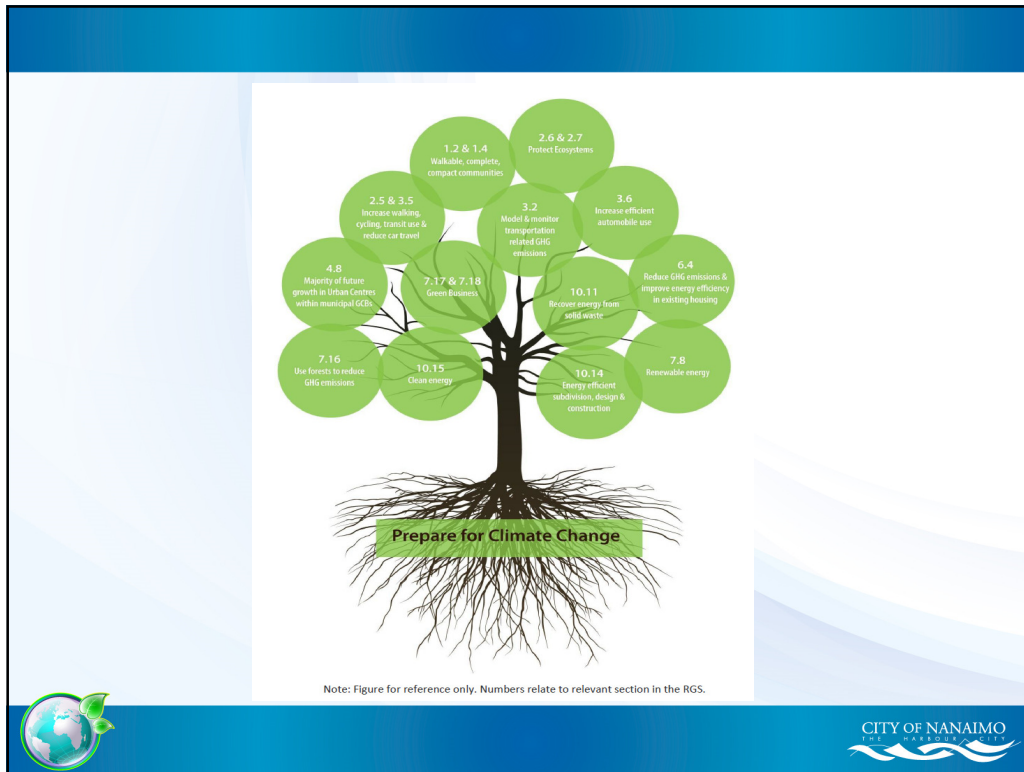
Current RGS adopted in 2011


[www.rdn.bc.ca/regional-growth-strategy](http://www.rdn.bc.ca/regional-growth-strategy)













## Nanaimo has committed to:

- Reduce greenhouse gas emissions **50%\*** from 2010 levels by 2030
- Reduce greenhouse gas emissions **94%\*** from 2010 levels by 2050

\* 50 to 57% by 2030, 94 to 107% by 2050  
Climate Emergency Declaration, April 2019

## What causes Nanaimo's emissions?

Burning of fossil fuels by residents is primary driver:

- gasoline/diesel for vehicles
- natural gas/oil for heating/hot water






## Nanaimo's climate policies

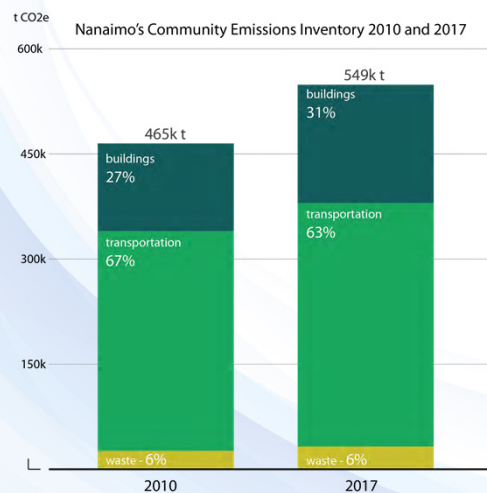
- ❑ 2008 OCP had policies to reduce energy use
- ❑ 2010 GHG targets of **33% reduction by 2020** from 2007
- ❑ Community Sustainable Action Plan (2012) suggested policies and indicators
- ❑ Transportation master plan describes a multi-modal vision of transportation
- ❑ Parking bylaw introduced EV charging requirements for new construction
- ❑ Energy Step Code Implementation Strategy (2018) for increased energy efficiency for new buildings
- ❑ Rezoning policy incentivizes exceeding Energy Step with density bonus points. Rezoning policy under review re additional Energy Step Code requirements
- ❑ City promotes the Clean BC top-up incentives for home or work/apartment EV charging stations, and EV purchase incentives



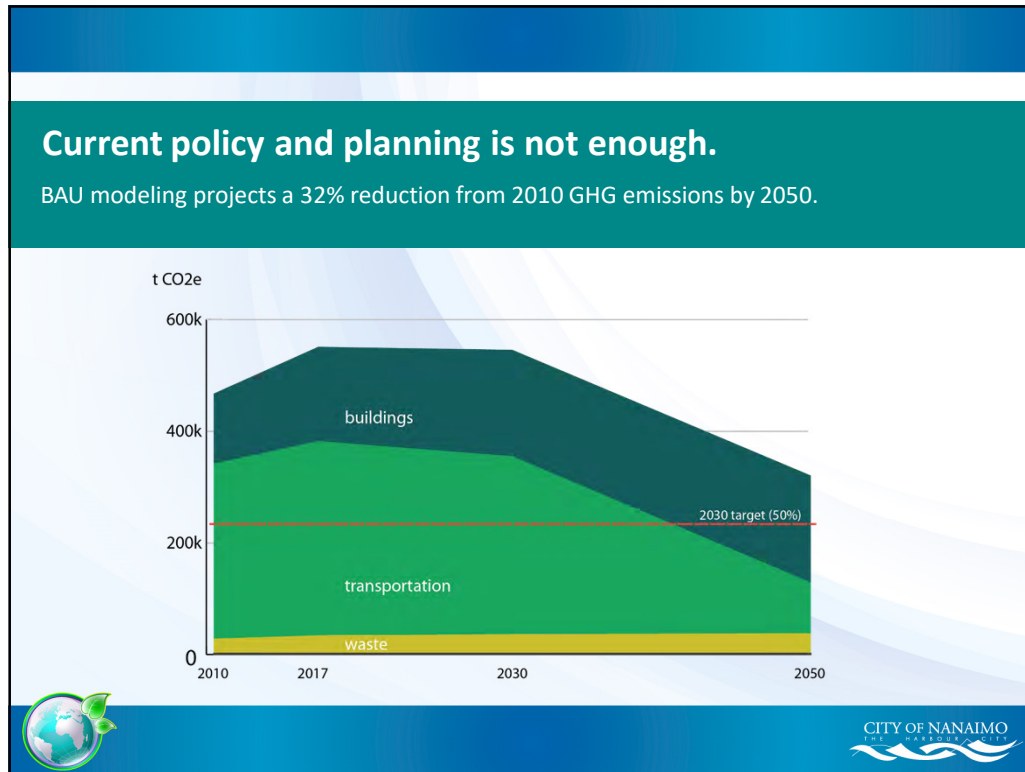
## But emissions are still rising.

In 2010, council set a target of 33% reduction in emissions by 2020.

Emissions in 2017 increased **18%** since 2010.







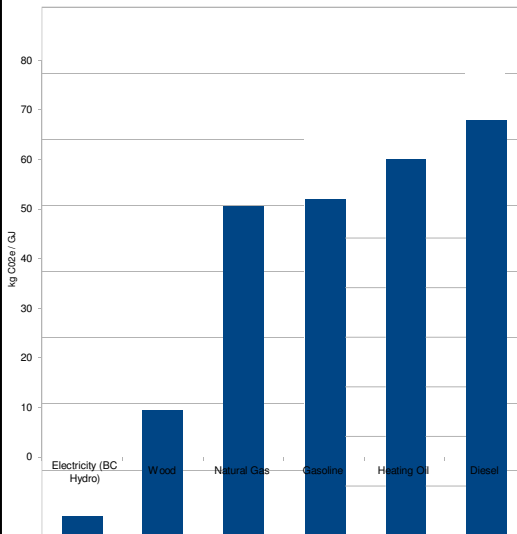
## How do we reduce GHG emissions?

Increase efficiency / reduce demand

Switch to zero-carbon energy sources

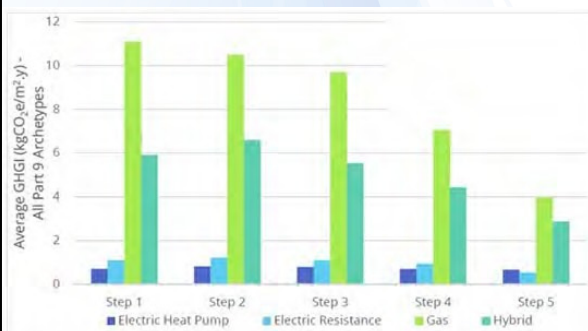
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Carbon Emissions of Common Energy Sources



## Fuel switching is key

While increased efficiency reduces fuel demand, it is unlikely to produce dramatic drops in GHG emissions quickly enough to reach targets.



Part 9 - GHG Intensity by Mechanical System (average across all archetypes)

Source: Integral Group, Implications of the BC Energy Step Code on GHG Emissions June 2019

## Fuel switching is key

While increased efficiency reduces fuel demand, it is unlikely to produce dramatic drops in GHG emissions quickly enough to reach targets.




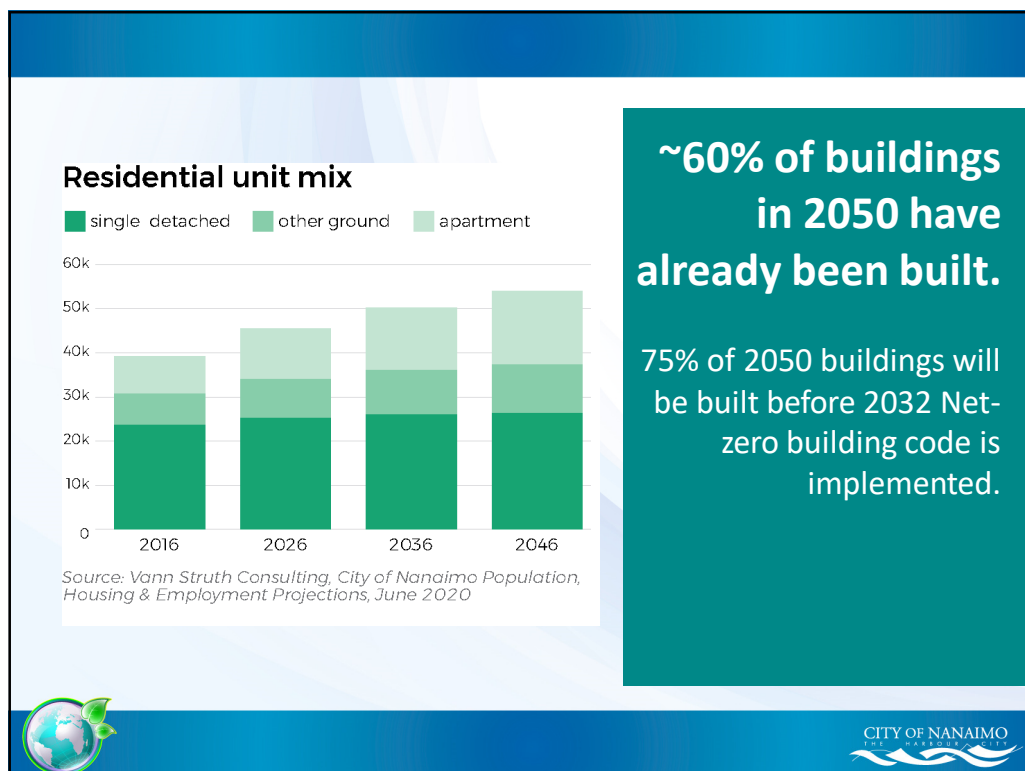


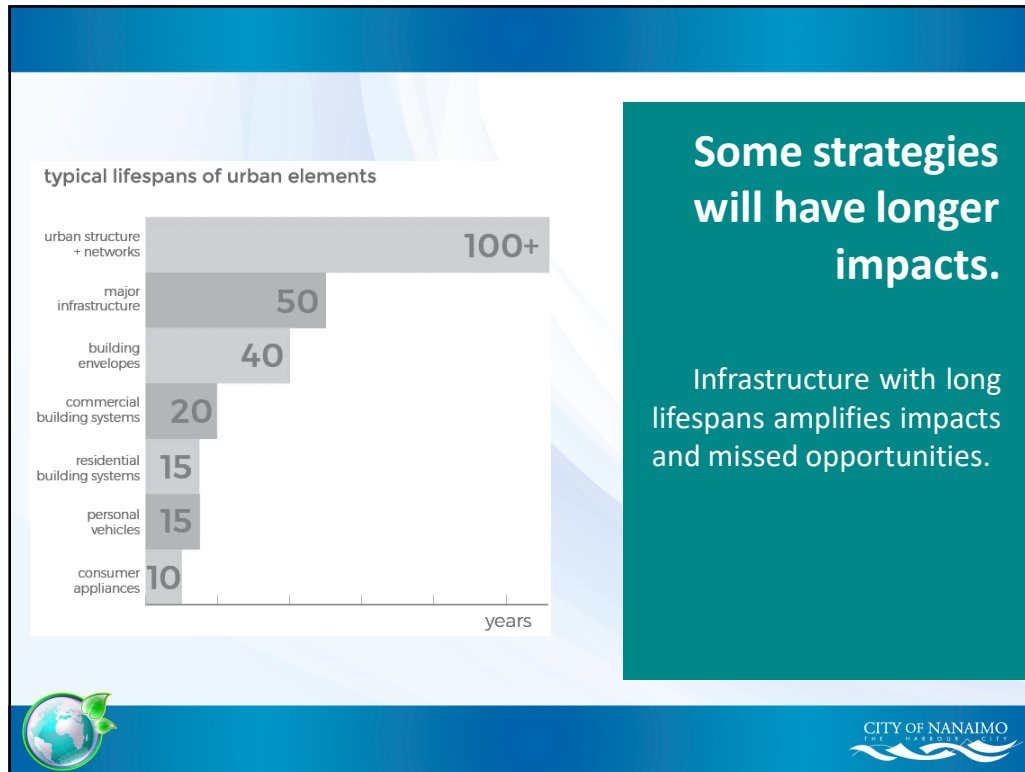


**Renewables don't always reduce GHG emissions.**

Nanaimo has access to low-emission hydroelectricity

Replacing grid electricity with renewables in BC doesn't significantly reduce GHG emissions





## RETROFITS



### Possible GHG Options

- Education
- Increase Incentives
- Target Oil Heating
- Provide financing for upgrades






## NEW CONSTRUCTION STEP CODE







### Possible GHG Options

- Increase Energy Step Code Requirements
- Add GHG intensity alternative pathway
- Density bonusing for zero carbon buildings







**ELECTRIC VEHICLES**



### Possible GHG Options

- Improve public charging infrastructure
- Target charging investments for buildings that are expensive to upgrade
- Increase EV charging requirements in new construction

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**WASTE REDUCTION**




### Possible GHG Options

- Waste reduction programs
- Continue to improve organic waste diversion
- Explore integrated waste management for reducing GHG emissions from waste

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## ACTIVE TRANSPORTATION





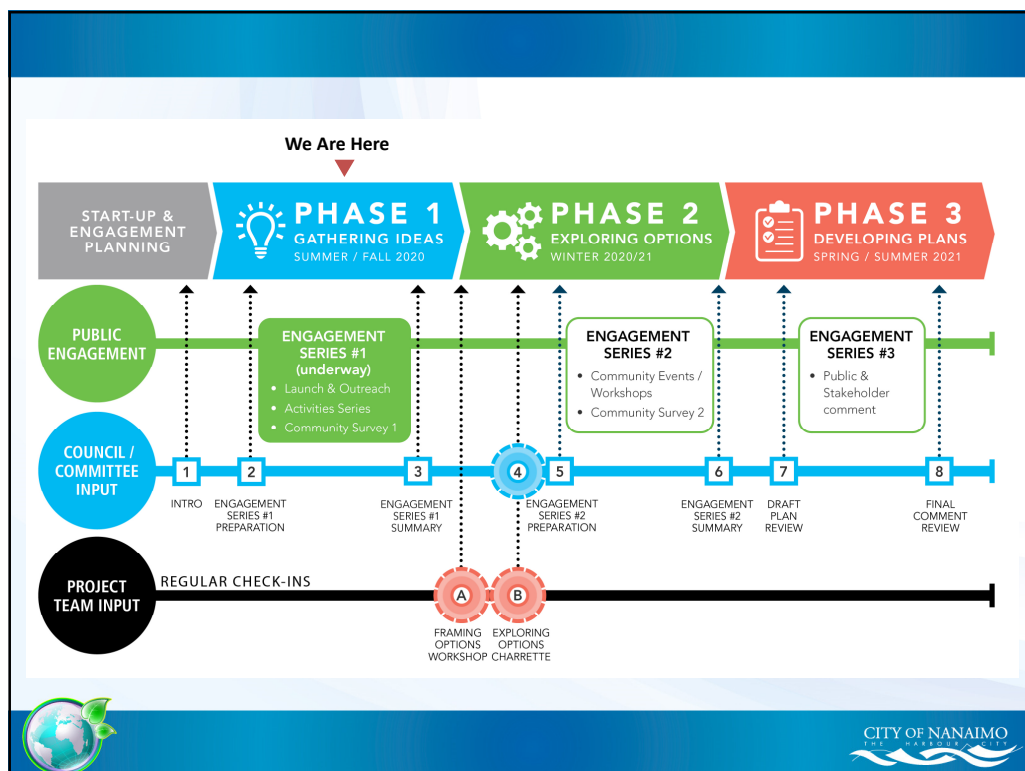
### Possible GHG Options

Increasing investment in active transportation infrastructure

focus development in nodes and corridors to reduce need for driving


Investigate e-bike infrastructure needs






2019 Summary of Indicators		
<b>Goal 1: Prepare for Climate Change &amp; Reduce Energy Consumption</b>		
#1 Total community greenhouse gas emissions		
#2 Per capita non-renewable energy use		Data last available 2012
#3 Total community energy use		
<b>Goal 2: Protect the Environment</b>		
#4 Total water consumption		Moving Towards
#5 Surface water quality (community watershed monitoring)		Stable
#6 Amount of land in protected areas		Moving Towards
<b>Goal 3: Coordinate Land Use &amp; Mobility</b>		
#7 Number of households within a set distance (400 m) of employment lands, shopping, schools, transit and recreation facilities		Moving Towards
#8 Per capita transit use		Moving Towards
<b>Goal 4: Concentrate Housing &amp; Jobs in Rural Village &amp; Urban Growth Centres</b>		
#9 Population inside and outside the Growth Containment Boundary		Moving Towards
#10 Density of dwelling units inside and outside the Growth Containment Boundary		Moving Towards
#11 Diversity of land use (ratio) inside the Growth Containment Boundary		Moving Towards
<b>Goal 5: Enhance Rural Integrity</b>		
#12 The number of new lots/units created through subdivision inside and outside the Growth Containment Boundary		Moving Towards
#13 Number of parcels with Farm Status		Moving Towards
#14 The amount of land classified as Private Managed Forest Land		Moving Away
<b>Goal 6: Facilitate the Provision of Affordable Housing</b>		
#15 The total number of rental units affordable to households with income below fifty percent of the median income for the region		Moving Away
#16 The portion of units in each housing type inside the Growth Containment Boundary (diversity of housing types in the Growth Containment Boundary)		Moving Towards
<b>Goal 7: Enhance Economic Resiliency</b>		
#17 [(Unemployment) Employment rate and labour participation rate]		Moving Towards
<b>Goal 8: Enhance Food Security</b>		
Number of parcels with Farm Status		Same as #13
<b>Goal 9: Celebrate Pride of Place</b>		
#18 The amount of publicly owned land designated for parks and community use (including land in protected areas, community use parks, and recreational facilities such as pools, ice rinks, etc.)		Moving Towards
#19 Per capita length of maintained public trails (including trails, paths, laneways)		Moving Towards
<b>Goal 10: Efficient Services</b>		
#20 Per capita waste disposal		Moving Away
#21 Per capita cost to provide water and sewer systems		Moving Away
#22 Per capita length of roads (length of paved roads per person)		Stable
<b>Goal 11: Cooperation Among Jurisdictions</b>		
Cooperation among jurisdictions		Moving Towards



# REIMAGINE NANAIMO – Phase 1

## Engagement Status Update

### 2020-NOV-09







What is in  
**REIMAGINE  
NANAIMO?**



OCP Update



Parks, Rec & Culture Plan Update



Active Transportation Plan



Climate Action Plan



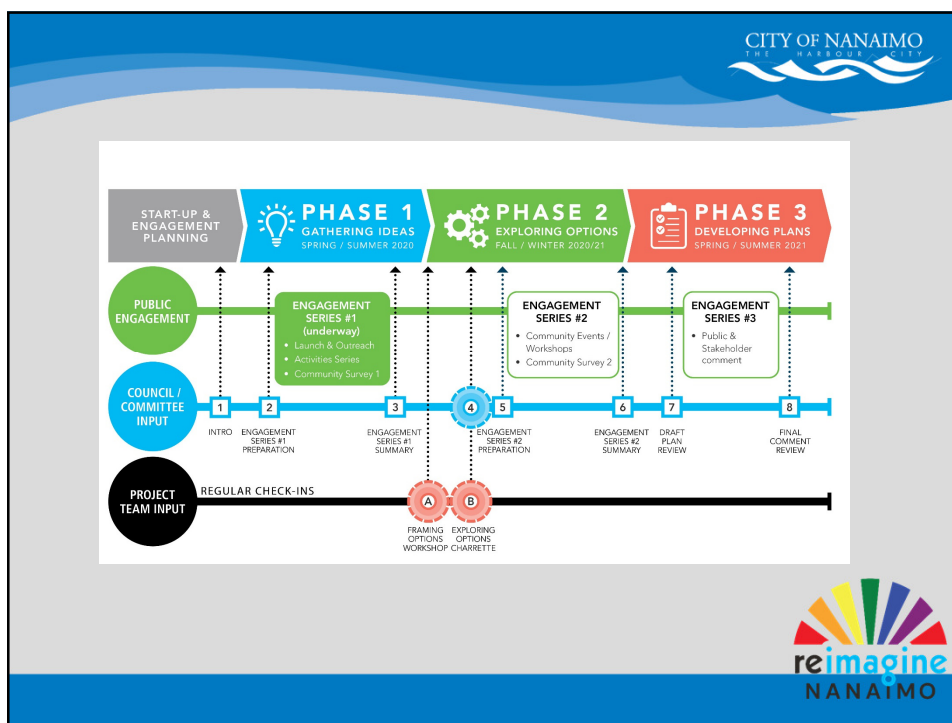
Economic Development Plan



Water Supply Strategic Plan

2

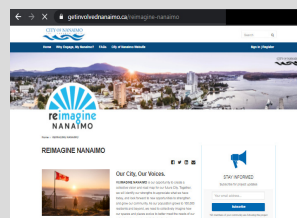




## KEY Updates since Oct 26

### Stakeholder Engagements

- Meetings with 9 neighbourhood associations, and numerous user groups/organizations have taken place



### Vancouver Island University Partnership:

- New partnership with VIU Community Engagement
- Two streams of outreach through Community Planning students & general student body





Community Planning, Parks Recreation and Culture, Transportation, Environment, and Economic Development are currently organizing outreach sessions with local interest groups. Currently, invites for follow up meetings have been sent out to approximately 177 groups.

[illegible]

[getinvolvednanaimo.ca/reimagine-nanaimo](http://getinvolvednanaimo.ca/reimagine-nanaimo)


Metric	2020-Sep-18	2020-Oct-19	2020-Oct-29
Total Visits	5,200	8,100	9,500
Total Registered	671	1,100	1,100
Participated in Surveys	700	1,060	1,321
Stories Submissions	7	7	8
Ideas Contributors	44	56	57
Community Map Posts	167	170	190



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### Social Media Campaign



Metric	2020-Sep-18	2020-Oct-19	2020-Oct-28
Facebook posts	37	56	61
Facebook views/Scroll by	101,729	174,482	186,900
Facebook liked/commented	5,775	9,011	9,948
Instagram views	8 posts with 1,316 views and likes	10 posts, with 2,428 views and likes, and 33 Instagram stories	11 posts with 3,806 views and likes
Twitter tweets	37	46	53




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### Shopping Centre Pop-ups

- Four mall pop-ups complete
- Additional Noon – 4:00 p.m. pop-ups planned for November 7, 14, 21, 28 – with focus on commercial areas of City not already popped (e.g. Northbrook, Port Place, and South Gate).




## Shopping Centre Pop-ups – North Town Centre Oct 24th




## Shopping Centre Pop-ups – University Village Oct 25th





## Statistically Valid Survey



**2020 Nanaimo Community Survey**

Please take a few minutes to share your thoughts on our City, the programs and services offered here, and what is important for our shared future. Your input will help guide important decisions for future planning and spending. Please note all respondents are guaranteed complete anonymity.

Please return your survey in the enclosed postage-paid envelope by **October 30, 2020**. Thank you for your help!

**Living in Nanaimo**

1. How would you rate your current quality of life in Nanaimo?

Very Poor ☐ Poor ☐ Neutral ☐ Good ☐ Very Good ☐

2. Overall, do you feel quality of life in Nanaimo has improved or worsened in the last 10 years?

Improved ☐ Why? \_\_\_\_\_

Stayed about the same ☐ Why? \_\_\_\_\_

Worsened ☐ Why? \_\_\_\_\_

3. Identifying our strengths gives us building blocks for continued improvement. Looking at the list below, which things do you **LOVE** about Nanaimo today? (ONLY CHECK UP TO 5)

<input type="checkbox"/> Affordable housing	<input type="checkbox"/> Food history and heritage
<input type="checkbox"/> Beautiful waterfront	<input type="checkbox"/> Quality education opportunities
<input type="checkbox"/> Vibrant Downtown	<input type="checkbox"/> Clean, green, and sustainable city
<input type="checkbox"/> Sense of community	<input type="checkbox"/> Creative and cultural opportunities
<input type="checkbox"/> Diverse job opportunities	<input type="checkbox"/> Access to nature, parks, and open spaces
<input type="checkbox"/> Neighbourhood character	<input type="checkbox"/> Diverse recreation programs and services
<input type="checkbox"/> Easy to get around using a range of transportation options	<input type="checkbox"/> Fun community events and celebrations (outside COVID-19 restrictions)
<input type="checkbox"/> Vancouver Island's central "hub" that is well-connected to other communities	<input type="checkbox"/> Other Please specify: _____


**How We Connect & Play—Parks, Rec. & Culture**


4. How satisfied are you with the **SURFACE** of public recreation and culture facilities in Nanaimo?

	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied
<input type="checkbox"/> Affordable space for arts & culture activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Aquatic centres & swimming pools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Arts learning & workshop spaces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Ballfields	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Community centres	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Exhibition spaces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Fitness centres & gymnasiums	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Heritage sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Meeting facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Museums	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Nanaimo art installations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Outdoor venues for live events & festivals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Performance spaces—large (theatres)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Performance spaces—small/multi-use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Production studios & rehearsal spaces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Overall Number of recreation/culture facilities in your neighbourhood area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


- Surveys mailed out: 2,000
- Return deadline: 2020-Oct-30
- Returned survey target is 500
- Prizes offered for survey completion

Please note: Responses to survey and questionnaires may be impacted by election-related mail outs and communications regarding the BC General Election being held on 2020-Oct-24.






## Creative Community Contest



Drawing Credit: Vada Beauregard

- Invitation for people to share their inspiration for a future Nanaimo – their own way
- All ages and interests
- Through Phase 1 engagement
- Prize offered





## Traditional Advertising



**reimagine**  
NANAIMO

*Our City. Our Voices.*

**What kind of city will Nanaimo be in 20+ years?**

REIMAGINE NANAIMO is our opportunity to create a common road map for positive change and our City's future.

Not sure the best way to get involved?  
Need a printed copy of a questionnaire?  
Have a general question?

**Call us and we'd be happy to help!**

 [reimagine@nanaimo.ca](mailto:reimagine@nanaimo.ca)

 [getinvolvednanaimo.ca](http://getinvolvednanaimo.ca)

 250-755-4464



## Extension of

- Newspaper Ads
- Radio
- Digital Ads





DATE OF MEETING November 9, 2020

AUTHORED BY SKY SNELGROVE, STENO COORDINATOR & DEPUTY  
CORPORATE OFFICER

SUBJECT **2021 GOVERNANCE AND PRIORITIES COMMITTEE KEY DATE  
CALENDAR**

## **OVERVIEW**

### **Purpose of Report**

To present for the Governance and Priorities Committee's consideration, options for the draft 2021 Key Date Calendar.

### **Recommendation**

That the Governance and Priorities Committee recommend that Council approve the 2021 Governance and Priorities Committee Key Date Calendar, with meetings held in-person, in the Shaw Auditorium.

## **BACKGROUND**

Prior to December 31<sup>st</sup> of each year, a key date calendar for the upcoming year is prepared for each Council committee or task force. Governance and Priorities Committee (GPC) meetings are generally held twice a month on Mondays from 1:00 p.m. to 4:00 p.m. Prior to the COVID-19 pandemic, meetings were held in the Boardroom, Service and Resource Centre. In order to maintain physical distancing at meetings where all members of the committee are in attendance, meetings are currently held in the Shaw Auditorium of the Vancouver Island Conference Centre.

The draft Governance and Priorities Committee key date calendar has been prepared in accordance with the committee's Terms of Reference. "Council Procedure Bylaw 2018 No. 7272" includes a clause that Regular Council Meetings will not be held in August to allow for a summer break. Governance and Priorities Committee Meetings have not been scheduled in August in order to align with this schedule; however, special meetings may still be held, if required.

Due to the Easter holiday and Association of Vancouver Island and Coastal Communities Conference in April, only one GPC meeting has been scheduled for April. The first two Monday's in September are either a holiday (Labour Day) or during the Union of British Columbia Municipalities Conference, therefore, only one GPC meeting has been scheduled in September. In order to prevent back to back GPC meetings between September and October, the last Monday in October has been scheduled for a GPC meeting. December 13<sup>th</sup> is the only scheduled GPC day in December due to the Christmas holiday.

February 22, 2021 is the only date where both a Council meeting and Governance and Priorities Committee meeting have been scheduled on the same day. Council's 2021 Key Date Calendar

will be coming forward to a future Council meeting for approval. In total, there are 18 Governance and Priorities Committee meetings scheduled over the course of the year. |

## **DISCUSSION**

|Staff are requesting direction regarding the method of delivery for the 2021 meeting schedule.

Option one is for meetings to be held in person, in the Shaw Auditorium, Vancouver Island Conference Centre. This option is recommended as physical distancing can safely be maintained in the Shaw Auditorium with members of staff, Council and any delegations in attendance.

Option two is to conduct meetings virtually (over Zoom) with the Chair, staff and delegations present in the Boardroom, Service and Resource Centre. Members of the committee would participate electronically.

If during the course of the year new health guidelines are implemented regarding physical distancing, the committee may wish to revisit its meeting delivery method.

The meeting dates noted in the 2021 draft calendar (Attachment A) will be the same regardless of method of delivery selected. Staff are able to accommodate the workload associated with both meeting options. Meetings will continue to be live streamed and recorded regardless of location. Once the Key Date Calendar is approved by the committee it will be forwarded to Council for final approval. |

## **OPTIONS**

1. That the Governance and Priorities Committee recommend that Council approve the 2021 Governance and Priorities Committee Key Date Calendar, with meetings held in-person, in the Shaw Auditorium.
  - The advantages of this option: Physical distancing can be maintained in the Shaw Auditorium and the committee may find it beneficial to conduct meetings in person.
  - The disadvantages of this option: The Shaw Auditorium is a more formal setting.
  - Financial Implications: The average cost of a three hour meeting in the Shaw Auditorium, including room rental, food and beverage service and external information technology support is approximately \$1,850.
2. That the Governance and Priorities Committee recommend that Council approve the 2021 Governance and Priorities Committee Key Date Calendar, with meetings held electronically.
  - The advantages of this option: Meetings will be held virtually with only the Chair, staff and delegations attending meetings in person in the Boardroom, Service and Resource Centre.
  - The disadvantages of this option: The Committee may find it challenging to conduct business electronically.
  - Financial Implications: Costs include beverage service and Zoom licence fees, approximately \$300/year. Zoom licence fees are applicable whether meetings are held electronically or in person as Zoom is used to facilitate other meetings. |

### **SUMMARY POINTS**

- The Governance and Priorities Committee is requested to select a method of delivery for their 2021 meeting schedule.
- GPC meetings are scheduled to be held from 1-4 p.m. on select Mondays.
- Meetings have not been scheduled in August.

### **ATTACHMENTS:**

Attachment A: Draft 2021 Governance and Priorities Committee Key Date Calendar |

#### **Submitted by:**

Sheila Gurrie  
Director, Legislative Services |

#### **Concurrence by:**

Jake Rudolph,  
Chief Administrative Officer |



ATTACHMENT A  
City of Nanaimo

**GOVERNANCE AND PRIORITIES COMMITTEE  
KEY DATE CALENDAR – 2021**

<b>Committee</b>	<b>Start Time</b>	<b>End Time</b>	<b>Day of the Month</b>
<b>Governance and Priorities Committee</b>	1:00 p.m.	4:00 p.m.	Mondays bi-monthly

*January 1* ..... *New Years Day*  
**January 11** ..... **Governance and Priorities Committee**  
**January 25** ..... **Governance and Priorities Committee**  
  
**February 8**..... **Governance and Priorities Committee**  
*February 15*..... *Family Day*  
**February 22**..... **Governance and Priorities Committee**  
  
**March 8**..... **Governance and Priorities Committee**  
**March 22**..... **Governance and Priorities Committee**  
  
*April 2* ..... *Good Friday*  
*April 5* ..... *Easter Monday*  
*April 16-18*..... *AVICC*  
**April 26** ..... **Governance and Priorities Committee**  
  
**May 10** ..... **Governance and Priorities Committee**  
*May 24*..... *Victoria Day*  
**May 31** ..... **Governance and Priorities Committee**  
  
  
TBD ..... FCM  
**June 14**..... **Governance and Priorities Committee**  
**June 28**..... **Governance and Priorities Committee**  
  
*July 1* ..... *Canada Day*  
**July 12** ..... **Governance and Priorities Committee**  
**July 26** ..... **Governance and Priorities Committee**  
  
  
*August 2* ..... *BC Day*  
*No meetings in August*  
  
  
*September 6*..... *Labour Day*  
*September 13-17* ..... *UBCM*  
**September 27**..... **Governance and Priorities Committee**  
  
  
*October 11* ..... *Thanksgiving Day*  
**October 25** ..... **Governance and Priorities Committee**  
  
  
**November 8**..... **Governance and Priorities Committee**  
*November 11*..... *Remembrance Day*  
**November 22**..... **Governance and Priorities Committee**  
  
  
**December 13**..... **Governance and Priorities Committee**  
*December 25*..... *Christmas Day*  
*December 26*..... *Boxing Day*  
*December 27*..... *Christmas Day (observed)*  
*December 28*..... *Boxing Day (observed)*

## Upcoming GPC/Special Council Topics

### **November 9**

1. Animal Responsibility Bylaw
2. Sanitation Review
3. Doughnut Economy
4. REIMAGINE Nanaimo
  - Environment



### **November 23**

1. Sustainable Procurement
2. Policy Repeal Report
3. Public Hearing Policy
4. Records Management Update
5. REIMAGINE Nanaimo
  - Water



### **December 14**

1. REIMAGINE Nanaimo



## Governance and Priorities Committee Agenda Planning

2020 GPC Dates											
Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.
20	10	9		11	8	13			5	9	14
27	24			25	29	27		21	26	23	

**JANUARY**

s	m	t	w	t	f	s
			1	2	3	4
5	6*	7	8	9	10	11
12	13	14	15	16	17	18
19	20*	21	22	23	24	25
26	27	28	29	30	31	

January 6 – Meeting cancelled  
January 20 – Special GPC

## FEBRUARY

	s	m	t	w	t	f	s
							1
2	3	4	5	6	7	8	
9	10	11	12	13	14	15	
16	17	18	19	20	21	22	
23	24	25	26	27	28	29	

**MARCH**

	s	m	t	w	t	f	s
1		2	3	4	5	6	7
8		9	10	11	12	13	14
15		16	17	18	19	20	21
22		23*	24	25	26	27	28
29		30	31				

March 23 – Sp. Council

**APRIL**

s	m	t	w	t	f	s
			1	2*	3	4
5	6*	7	8	9	10	11
12	13	14	15	16	17	18
19	20*	21	22	23	24	25
26	27	28	29	30		

April 2 – Meeting Cancelled  
April 6 – Meeting Cancelled  
April 20 – Sp. Council

## MAY

	s	m	t	w	t	f	s
						1	2
3	4	5	6	7	8	9	
10	11	12	13	14	15	16	
17	18	19	20	21	22	23	
24	25	26	27	28	29	30	

**JUNE**

s	m	t	w	t	f	s
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

June 29 – Sp. Council

## JULY

	s	m	t	w	t	f	s
				1	2	3	4
5	6	7	8	9	10	11	
12	13	14	15	16	17	18	
19	20	21	22	23	24	25	
26	27	28	29	30	31		

## AUGUST

s	m	t	w	t	f	s	
						1	
2	3	4	5	6	7	8	
9	10	11	12	13	14	15	
16	17	18	19	20	21	22	
23	24	25	26	27	28	29	
30	31						

**SEPTEMBER**

	s	m	t	w	t	f	s
			1	2	3	4	5
6	7	8	9	10	11	12	
13	14*	15	16	17	18	19	
20	21*	22	23	24	25	26	
27	28*	29	30				

Sept. 14 - GPC meeting  
cancelled  
Sept. 21 – Sp. GPC  
Sept. 28 – GPC meeting  
cancelled

**OCTOBER**

s	m	t	w	t	f	s
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**NOVEMBER**

	s	m	t	w	t	f	s
1	2	3	4	5	6	7	
8	9	10	11	12	13	14	
15	16	17	18	19	20	21	
22	23	24	25	26	27	28	
29	30						

**DECEMBER**

	s	m	t	w	t	f	s
			1	2	3	4	5
6	7	8	9	10	11	12	
13	14	15	16	17	18	19	
20	21	22	23	24	25	26	
27	28	29	30	31			

Cancelled	Governance and Priorities Committee Meeting
	Statutory Holiday
	FCM Annual Conference (Toronto)
	Council Meeting

UBCM Convention (Victoria)	■
AVICC Convention (Nanaimo)	■
Public Hearing (Special Council Meeting)	■

## Governance and Priorities Committee Agenda Planning

### Upcoming Topic

MEETING DATE	TOPIC	BACKGROUND	FORMAT	OUTCOMES
Reoccurring	REIMAGINE NANAIMO		- Updates regarding REIMAGINE Nanaimo review	-
November 9, 2020	Sanitation Review	With two years of operation, it is timely to review the sanitation operation to ensure future sustainability. Information Report July 15 <sup>th</sup> advised Council of Staff's intention to conduct a service review on the automated solid waste collection program to inform the upcoming budget cycle	- Presentation of consultant's findings	- Discussion, awareness to support upcoming budget cycle
November 9, 2020	Animal Responsibility Bylaw		-	-
November 9, 2020	Councillor Brown and Councillor Geselbracht re: Doughnut Economic Framework Model	Motion made to bring forward during 2020-OCT-26 Governance and Priorities Committee Meeting.	-	-
November 23, 2020	Sustainable Procurement		-	-
November 23, 2020	Policy Repeal Report		-	-
November 23, 2020	Public Hearing Policy		-	-

## Governance and Priorities Committee Agenda Planning

November 23, 2020	Records Management Update		-	-
November 23, 2020	REIMAGINE NANAIMO “Water”		-	-
January/February 2021	Review of “Street Entertainers Regulation Bylaw 2011 No. 7109”	Motion made to bring forward during 2020-OCT-26 Governance and Priorities Committee Meeting.	-	-
<i>(investigating options to engage w/ neighbourhood associations through the use of Get Involved Nanaimo or other form of online communication)</i>	Neighbourhood Associations – Part 2	Identified as a priority topic at the GPC meeting held 2020-JAN-20 (session 2 of 2)	<ul style="list-style-type: none"> <li>- Invite chairs of some associations to attend and be available for the discussion.</li> <li>- Identify what resources are available</li> <li>- Presentation on how neighbourhood associations work in the City and what expectations they have of Council (i.e.: how do they want to be engaged?)</li> </ul>	<ul style="list-style-type: none"> <li>- Formalized process for recognizing neighbourhood associations</li> <li>- Create a new policy and criteria for neighbourhood associations moving forward including how they can be officially recognized.</li> <li>- Defer any financial implications to Finance and Audit Committee</li> </ul>
TBD	Health and Housing Task Force Update		-	-
TBD	Women’s Participation on City of Nanaimo Task Forces and Childminding Reimbursement for members of City Committees	Identified as a priority topic at the GPC meeting held 2020-FEB-10		

## Governance and Priorities Committee Agenda Planning

TBD	Transit		<ul style="list-style-type: none"> <li>- Tailored City of Nanaimo conversation around transit delivery (City of Nanaimo residents' perspective and impacts to residents and the City).</li> <li>- How to encourage transit use from a City perspective.</li> <li>- Invite a member of RDN staff speak to Council at the meeting and provide an update of their planning process.</li> <li>- Bus stop locations that make sense</li> <li>- Conversation around covered bus stops</li> <li>- Number of hours that transit operates</li> </ul>	- An ask, or assessment, from the City's perspective sent to the RDN after a decision is made at the city level with a recommendation for consideration at the RDN.
TBD	Crosswalk Safety	Identified as a priority topic at the GPC meeting held 2020-FEB-10	<p>Crosswalks:</p> <ul style="list-style-type: none"> <li>-report about flashing lights at crosswalks (are they beneficial, etc.)</li> <li>-Education and information around increasing pedestrian safety at crosswalks</li> <li>-Costs around the lighting at crosswalks.</li> </ul>	<p>Could come as a next step:</p> <ul style="list-style-type: none"> <li>-Professional best practice on what should be at crosswalks and what works best and why, etc.</li> </ul> <p>Outcome: -a report that outlines all of the pros and cons of crosswalk lighting and pedestrian safety.</p> <p>Options/costs</p>
TBD	Community use of the Vancouver Island Conference Centre	Identified as priority topic at the Finance and Audit Committee meeting held 2020-JUL-15	Staff to provide information package	

## Governance and Priorities Committee Agenda Planning

<i>TBD</i>	Committee Structure and Community Engagement	Motion made to bring forward during 2020-OCT-05 Governance and Priorities Committee Meeting.		
<i>TBD</i>	Emergency Food and Nutrition Security Strategy	Motion made to bring this topic forward during 2020-OCT-19 Council Meeting		

### Future GPC Topics

- 1 Port Drive
- Building Permit Review
- Capital planning process
- Committee structure and community engagement
- Community Amenity Contribution Policy
- Election signage
- Homelessness and addictions
- Mutual Aid Agreement – Fire Department
- Outcomes of Economic Development Task Force
- Outcomes of Health and Housing Task Force
- Sports venues and tourism strategies

## **Governance and Priorities Committee Agenda Planning**

- Sustainable Procurement Policy
- Vancouver Island Regional Library overview
- Waterfront Walkway
- Animal Control Bylaw
- Joan Brown and Scott Saywell Presentation Regarding Reconciliation



## Governance and Priorities Committee Agenda Planning

### Deferred to Finance and Audit Committee

- Fees and Charges

### Previous Topics Covered

- Review of “Council Procedure Bylaw 2018 No. 7272”
- Neighbourhood Associations – Part 1
- Effective Advocacy Strategies
- Coordinated Strategic Policy Review 2020-2021
- Single Use Checkout Bags
- Civic Facilities – conditions, issues, plans and objectives
- Energy and Emissions Management Program
- Advocacy – Part 2
- Coordinated Strategic Policy Review 2020-2021 – Public Engagement Strategy
- Manual of Engineering Standards and Specifications Revision Update
- ReImagine Nanaimo: Demographics and Land Inventory/Capacity Analysis Summary
- Climate Change Resilience Strategy
- Reallocation of Street Space
- Governance: Question Period/Correspondence/Proclamations/Other
- Council Resolution Update
- Reopening Strategy/Plan
- Roadway Reallocation Options
- Social Procurement
- Capital Projects
- Sports Venues
- Proposed Amendments to the MoESS
- Arts & Culture
- Short Term Rental/AirBnB regulations