



ADDENDUM REGULAR COUNCIL MEETING

Monday, November 16, 2020

2:00 P.M. to Proceed In Camera, Reconvene Regular Meeting at 7:00 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE

80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS 9:00 P.M.

Pages

2. PROCEDURAL MOTION:

a. Add Community Charter reasons:

(g) litigation or potential litigation affecting the municipality

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and,

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

12. REPORTS:

b. Animal Responsibility Bylaw

1. *Add Report Titled "Animal Responsibility Bylaw"*

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

Purpose: To bring forward the 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 and as endorsed at the 2020-NOV-09 Governance and Priorities Committee.

Recommendation:

1. That "Animal Responsibility Bylaw 2020 No. 7316" (To include provisions for animal welfare, control, licensing, duties of animal owners, penalties, and enforcement) pass first reading;

2. That "Animal Responsibility Bylaw 2020 No. 7316" pass second reading; and
3. That "Animal Responsibility Bylaw 2020 No. 7316" pass third reading.

h. Add Report Titled "Revised 2021 Regional District of Nanaimo Board Appointments"

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

Purpose: To request that Council rescind the appointment of Councillor Turley as a Director on the Regional District of Nanaimo Board and appoint Councillor Maartman to the Board.

Recommendation: That Council:

1. rescind the appointment of Councillor Turley as a Director on the Regional District of Nanaimo Board;
2. appoint Councillor Maartman as a Director assigned four votes on the Regional District of Nanaimo Board for a term ending 2021-DEC-31; and,
3. appoint Councillor Turley as an alternate Director on the Regional District of Nanaimo Board for a term ending 2021-DEC-31.

15. **OTHER BUSINESS:**

a. Councillor Geselbracht - Notice of Motion re: Riparian Review

1. *Add Briefing Notes re: Nanaimo Riparian Area Protection Bylaw and Development Permit Area 1 Review*

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2. *Add Delegation Paul Chapman, Executive Director, Nanaimo and Area Land Trust re: Riparian Review*

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DATE OF MEETING November 16, 2020

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

SUBJECT ANIMAL RESPONSIBILITY BYLAW

OVERVIEW

Purpose of Report

To bring forward the 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 and as endorsed at the 2020-NOV-09 Governance and Priorities Committee.

Recommendation

1. That "ANIMAL RESPONSIBILITY BYLAW 2020 NO. 7316" (to include provisions for animal welfare, control, licensing, duties of animal owners, penalties, and enforcement) pass first reading;
2. That "ANIMAL RESPONSIBILITY BYLAW 2020 NO. 7316" pass second reading;
3. That "ANIMAL RESPONSIBILITY BYLAW 2020 NO. 7316" pass third reading.

BACKGROUND

On November 9, 2020, staff gave a presentation and brought forward a report and draft Animal Responsibility Bylaw for the Committee's feedback and discussion which was based on the Consultant's Animal Contract Service Review (see Attachment 2 for a copy of the detailed staff report that went to the November 9, 2020 Governance and Priorities Committee meeting).

After hearing the presentation, the Committee passed a recommendation directing staff to forward the "ANIMAL RESPONSIBILITY BYLAW 2020 NO. 7316" to Council for consideration of first three readings. The bylaw is now before Council for consideration of first three readings (see Attachment 1).

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.
 - On November 9, 2020, the bylaw was presented to the Governance and Priorities Committee and the Committee passed a motion directing staff to forward the “ANIMAL RESPONSIBILITY BYLAW 2020 NO. 7316,” to Council for consideration of first three readings.

ATTACHMENTS:

Attachment 1 - “Animal Responsibility Bylaw 2020 No. 7316”

Attachment 2 - RPT_GPC201009_Animal Responsibility Bylaw

Attachment 3 - Existing “Licencing and Control of Animals Bylaw 1995 No. 4923”

Attachment 4 - Recommendations from Animal Service Review

Attachment 5 - SPCA Model Animal Responsibility Bylaw Reference Guide

Submitted by:

Karen Robertson
Deputy City Clerk

Concurrence by:

Sheila Gurrie
Director of Legislative 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

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”	means any Dog that meets any one of the following criteria: (a) has attacked, bitten or caused injury to a Person or has demonstrated a propensity, tendency or disposition to do so; (b) has bitten, killed or caused injury to a Companion Animal or to Livestock; (c) has aggressively pursued or harassed a Person or Companion Animal or Livestock; (d) has a known propensity to attack or injure a Person without provocation; (e) is owned or kept primarily, or in part, for the purpose of dog fighting or is trained for dog fighting; or is a Dangerous Dog as defined by Section 49 of the <i>Community Charter</i> .
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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, Poultry, or Small Animals.
"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 corresponding to a Dog Licence 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 16 weeks.

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 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 6(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 6, 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 of the number and species of the Dogs or Cats, the reason for, 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 .4 hectares.

Boarding Kennels

9. Despite Section 6, a Person may keep or maintain more than 4 Dogs, or board Dogs for purposes of utility or profit, if 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

Licence Requirement

16. No Person shall own, possess or harbour an Unlicensed Dog within the boundaries of the City.
17. A Person who owns, possesses or harbours any Dog over the age of 16 weeks shall obtain a Dog Licence before the first day of January each year, in accordance with the provisions of this Bylaw.
18. 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.
19. 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.

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. Where a City 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

26. An Owner must apply for an Aggressive Dog licence within 14 days of receiving a notice under Section 74.
27. 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 78 through 81 of this Bylaw.
28. 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.
29. In addition, the Owner of an Aggressive Dog shall supply the following documentation to the City each calendar year by no later than January 30th:
 - (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.

30. If the Owner of an Aggressive Dog does not comply with Sections 78 through 81 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 30 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 not be cancelled.
 - (b) After considering the submission, the Manager, Bylaw Services may confirm, reverse, or amend the decision to cancel the Aggressive Dog Licence.

PART 5 – ANIMAL WELFARE

Animal Cruelty

31. 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

32. 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

33. 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.
34. A Person must not keep an Animal outside, unless the Animal is provided with a shelter that provides:
- (a) protection from heat, cold and wet that is appropriate to the Animal's weight and type of coat;
 - (b) 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%;

- (c) protection from the direct rays of the sun at all times; and
- (d) bedding that will assist with maintaining normal body temperature.

35. 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

36. 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

37. 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

38. 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, and shall, by means of open windows or operating mechanical device, supply fresh or cooled air to prevent the Animal from suffering Distress, discomfort or heat related injury.

Exercising Dogs from a Motor Vehicle or Bicycle

39. 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.

40. Section 39(b) does not apply to a Person exercising a Dog in a Designated Off-Leash Area if the Dog is not tethered and bicycle riding is allowed in the area.

PART 6 – ANIMAL CONTROL

Animals on Private Property

41. 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

42. 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

43. 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.
44. Every Owner of a Dog must ensure that any Person who has care, custody or control of their Dog is a Competent Person.
45. Despite Section 43, 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.
46. 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

47. 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.
48. 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

49. 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

- 50. 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.
- 51. 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 50.

Animals Chasing or Harassing

- 52. Every Person must ensure an Animal in their care or custody does not chase, harass, molest, attack, injure or kill a Person or Animal.
- 53. Despite Section 52, 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

- 54. 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.
- 55. Despite Section 54, 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:
 - (a) firmly holds the Dog on a Leash; and
 - (b) immediately returns the Dog to the building or Enclosure upon completion of the urination, defecation, or walk.

Keeping of Bees

- 56. 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 .4 hectares.
- 57. On parcels of land greater than .4 hectares, 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 .4 hectares.
- 58. 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.

59. Notwithstanding Section 58, 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

- 60. Every Owner of a Cat over the age of 12 weeks shall affix and keep affixed sufficient Identification on the Cat by means of a collar, harness, traceable tattoo, microchip or other suitable device.
- 61. Every Owner of a Cat over the age of 12 weeks 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 60 of this Bylaw.
- 62. 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.
- 63. A Person must not intentionally feed or leave food out for any Feral Cat.
- 64. Despite Section 63, 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 Eartipping, 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; and
 - (e) outdoor shelter must be provided for any Feral Cat on the Property where the feeding station is located.

Keeping of Poultry

- 65. No Person shall keep or harbour any Poultry on any parcel of land unless that parcel of land has an area greater than .4 hectares.
- 66. Notwithstanding Section 65, a Person may keep:
 - (a) a maximum of 6 hens or ducks, or combination thereof, on a parcel of land less than .4 hectares in size but greater than .045 hectares in size; or
 - (b) if the parcel of land is smaller than .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 .37m² 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; and
- (i) hen and duck manure and waste products are composted, in an enclosed bin, or otherwise disposed of to prevent odours.

67. 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.

68. 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

- 69. 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.
- 70. No Person shall permit any Livestock to graze on unfenced land, unless securely tethered.
- 71. No Person shall keep any Livestock within any Dwelling Unit.

Keeping of Rabbits

- 72. 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.
- 73. A Person must not keep any Rabbit which is not Sterilized.

PART 7 – AGGRESSIVE DOGS

Aggressive Dog

- 74. 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.
- 75. The notice set out in Section 74 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.

76. A Dangerous Dog may also be dealt with by the City in accordance with Section 49 of the *Community Charter*.

77. 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

78. 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.
79. An Enclosure referred to in Section 78(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.
80. 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.
81. 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.
82. 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.
83. 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

84. An Owner, following a period of at least 2 years from the date stated on the written notice under Section 74, may apply to the Manager, Bylaw Services for relief from the requirements of Section 29, and Sections 78 through 81 provided that:
- (a) The City has received no further complaints regarding 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.
85. If a Dog displays aggressive behaviour again after relief has been granted pursuant to Section 84, the requirements of Section 29 and Sections 78 through 81 shall apply in perpetuity.

PART 9 – ANIMAL NUISANCES

Animal Waste

86. 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.
87. 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

88. The Owner of a Dog must not allow or permit a Dog to bark, howl, yelp, cry or make other noises:
- (a) sporadically for a cumulative total of 15 or more minutes within any 60 minute period;

- (b) in a manner that 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
- (c) otherwise in such a manner as to cause a Nuisance.

Feeding Wildlife

89. A Person must not intentionally feed or leave food out for the purposes of feeding:
- (a) *Cervidae* (deer)
 - (b) *Procyon lotor* (raccoons);
 - (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

90. 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.
91. The Poundkeeper may impound any Animal brought to the Pound by any other Person.
92. 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*.
93. The Poundkeeper is authorized to employ such assistance as is deemed necessary or advisable to seize and impound any Animal 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

94. 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

95. 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 the Dog is 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.
96. 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.
97. 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, unless redeemed.

Redeeming an Animal from the Pound

98. 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 50;
 - (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.
99. The Poundkeeper may refuse to release the impounded Animal to the Owner or the Owner's agent in accordance with Section 112.

100. 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, whether or not the Owner redeems the Animal.

No liability for injury to Animal

101. 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

102. An Animal becomes the property of the City if it is not redeemed within 72 hours after:
- (a) it is impounded; or
 - (b) in the case of a licensed Dog, within 96 hours of the Owner being notified of the impoundment pursuant to Section 95 and 96 of this Bylaw.
103. 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) cause the Animal to be humanely destroyed.
104. Where any Animal is adopted out pursuant to Section 103 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.
105. 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

106. 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

107. 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

108. 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

109. 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).
110. If a Person has care or 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

111. 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

112. 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 106 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.

Offences

113. No Person shall hinder, delay, or obstruct in any manner, directly or indirectly, the Poundkeeper from 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.

114. 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*.
115. 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.
116. Section 114 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

117. 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

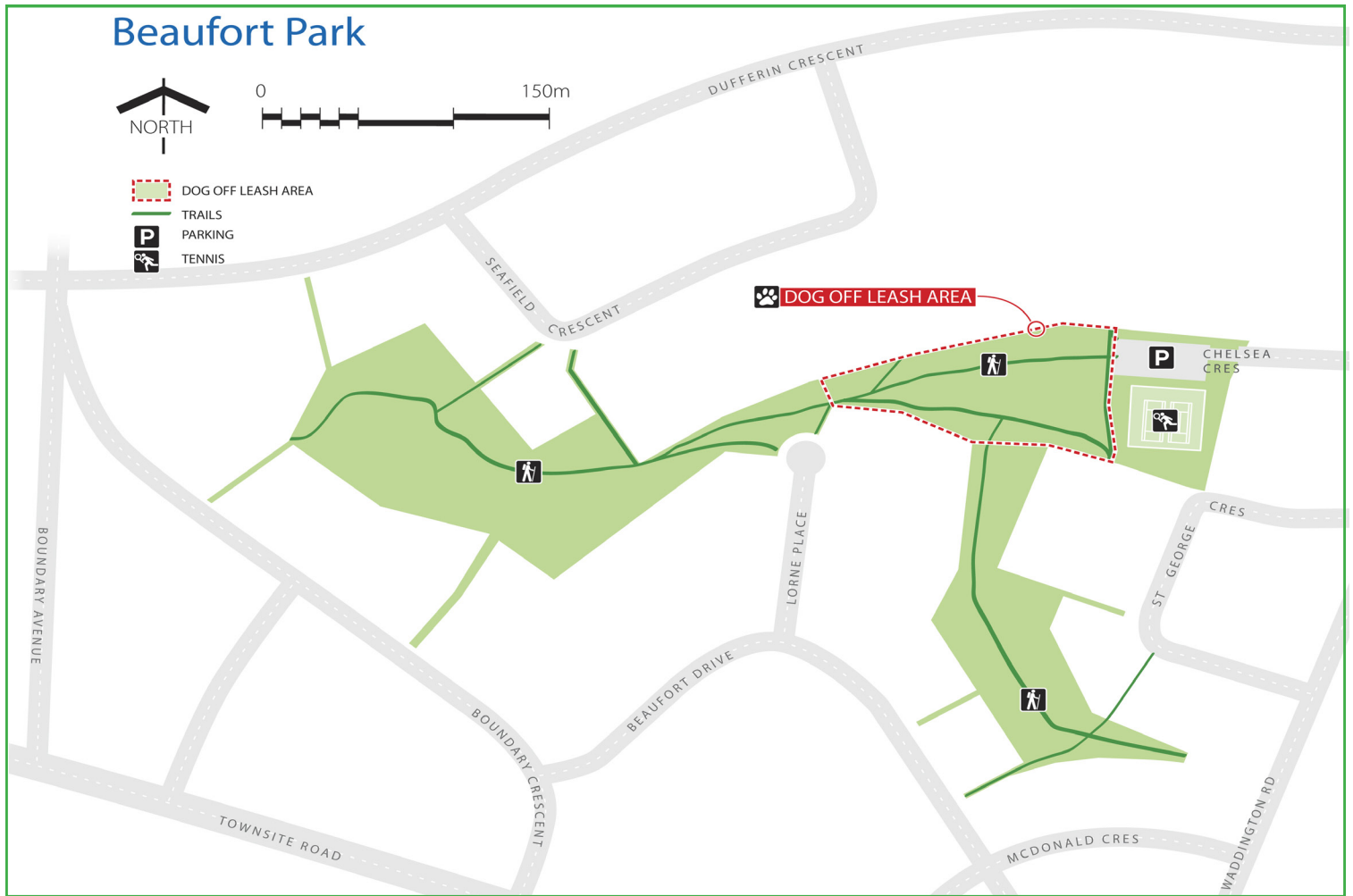


SCHEDULE “B” to Animal Responsibility Bylaw No. 7316

Designated Off-Leash Dog Areas

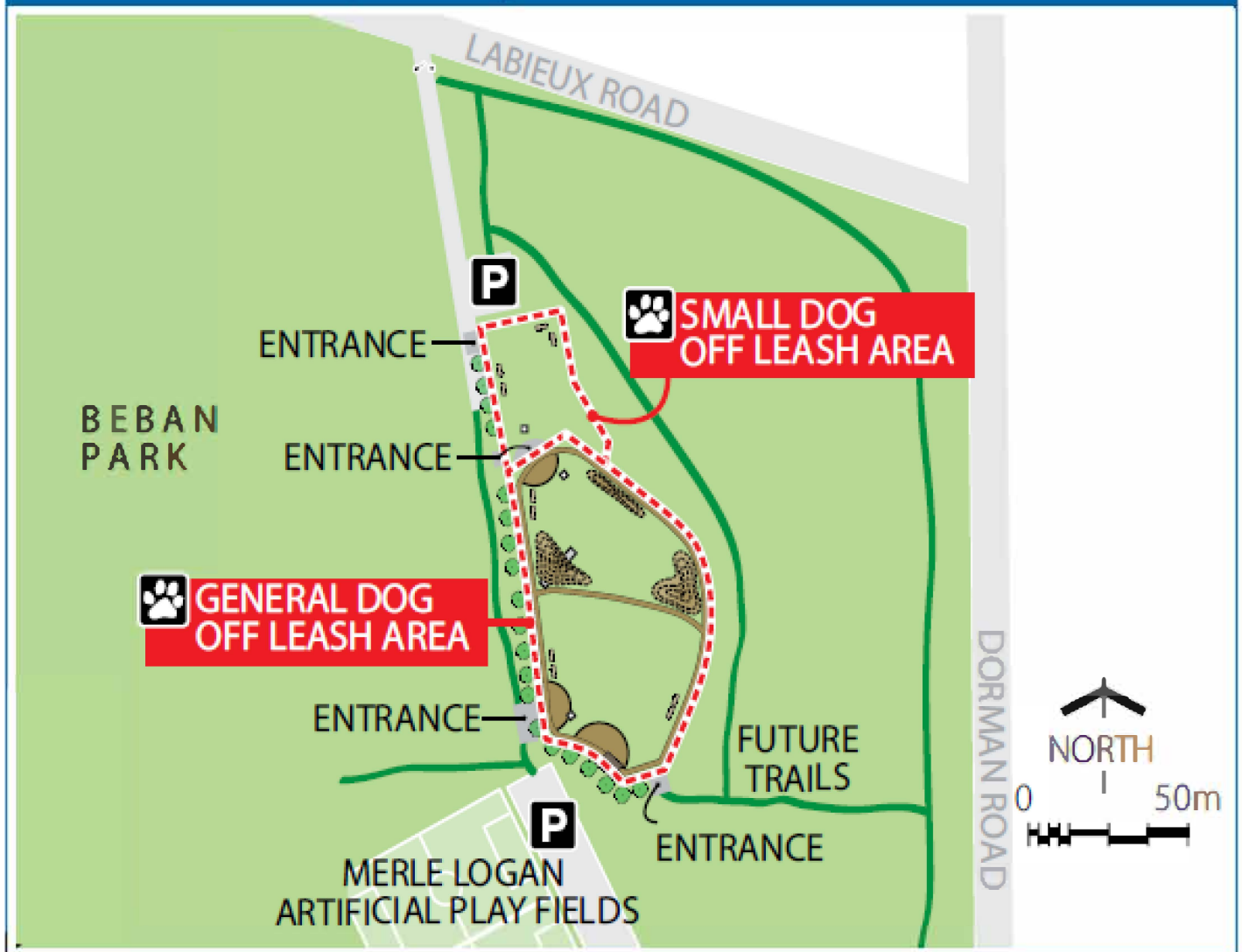
PARK NAME	PARK ADDRESS	SPECIAL CONDITIONS
Beaufort Park	69 Lorne Place	Only areas as designated by signage in park
Beban Park	2300 Bowen Road	Fenced area only
Cable Bay Trail	ROW Cable Bay, Lot 114	Entire park
Colliery Dam Park	635 Wakesiah Avenue	Only areas as designated by signage in park
Diver Lake 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

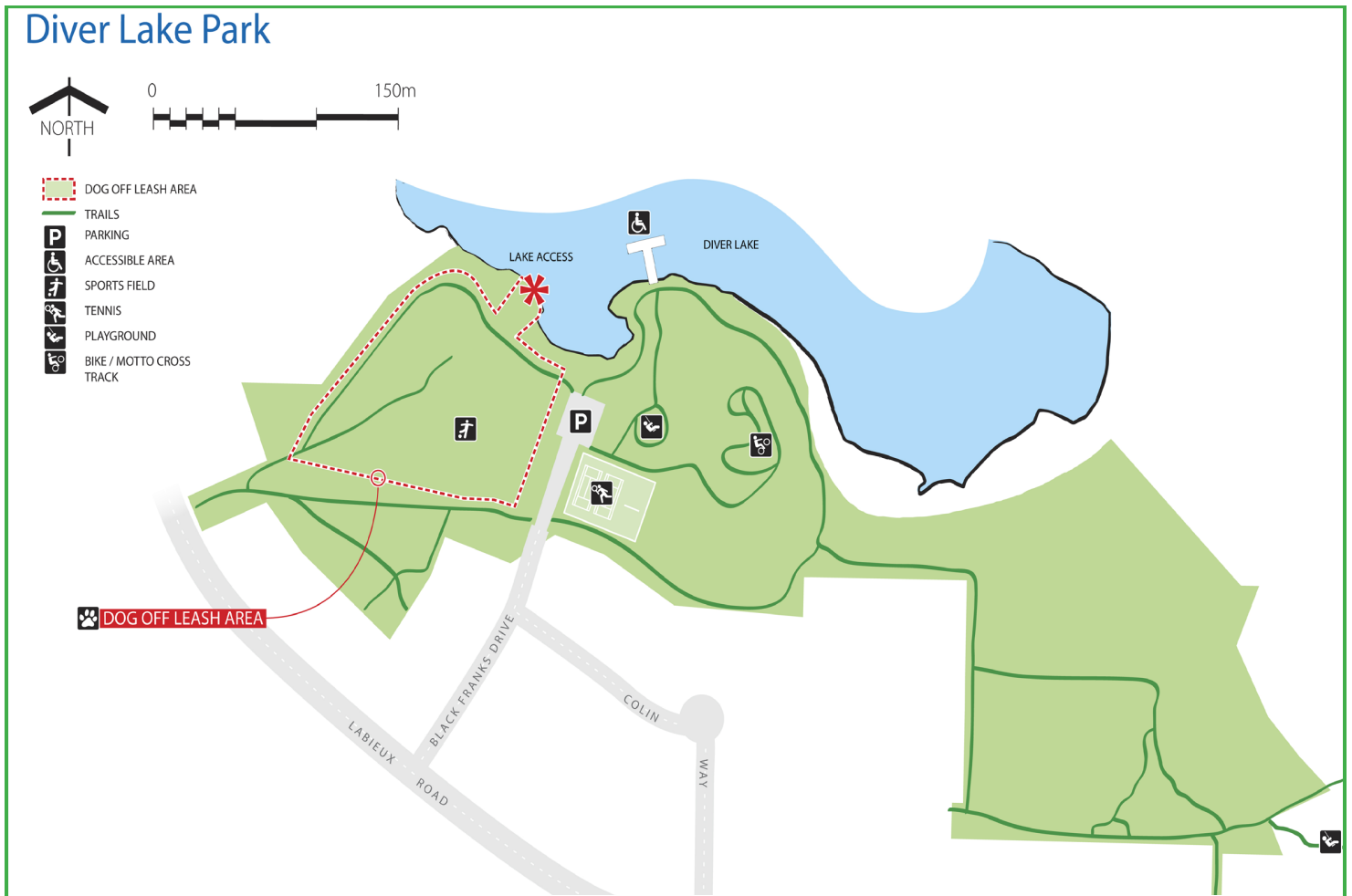


Schedule B
Animal Responsibility Bylaw
Designated Off-Leash Dog Area - Colliery Dam Park

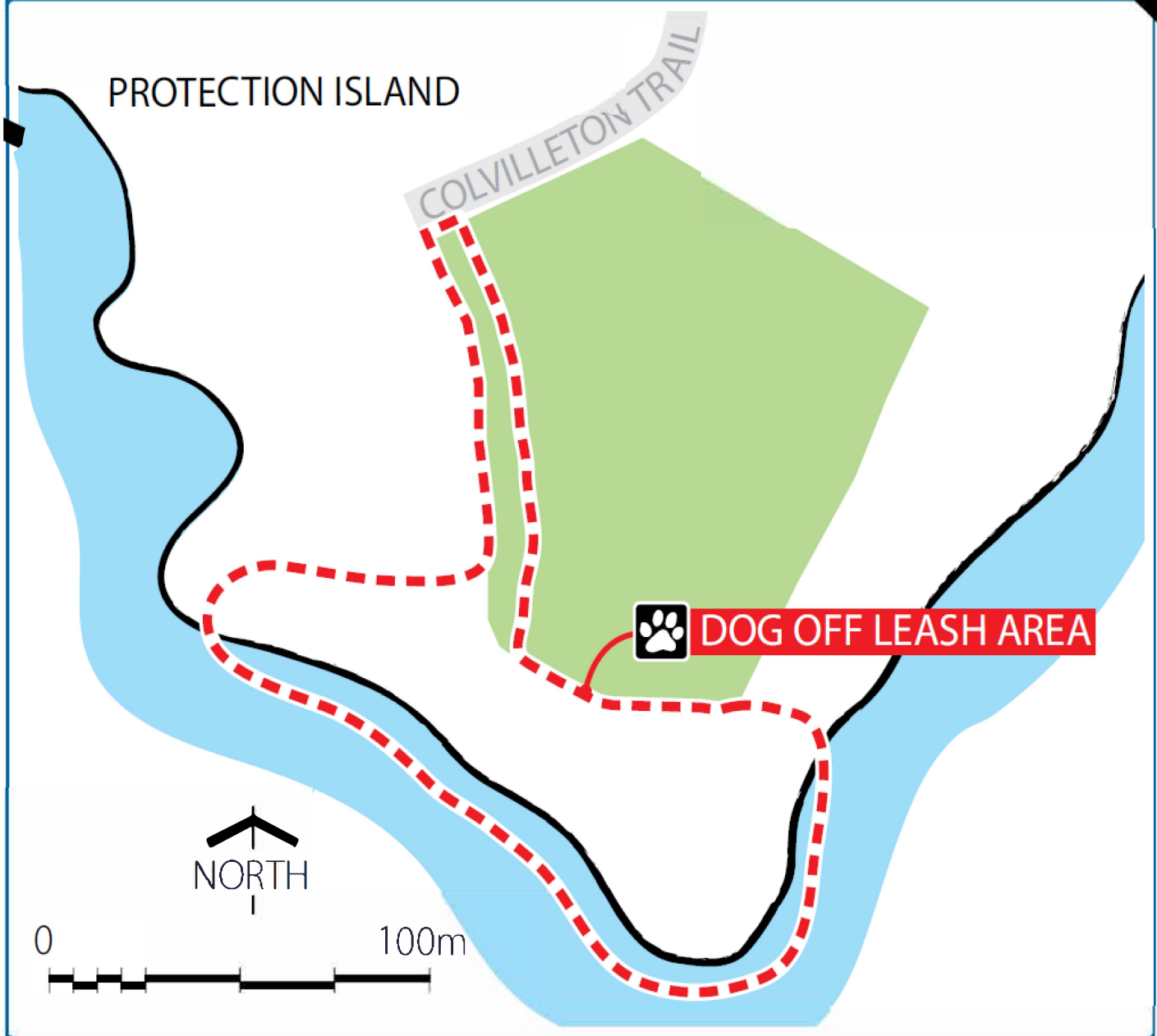
Colliery Dam Park



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



Gallows Point Park (access to water)

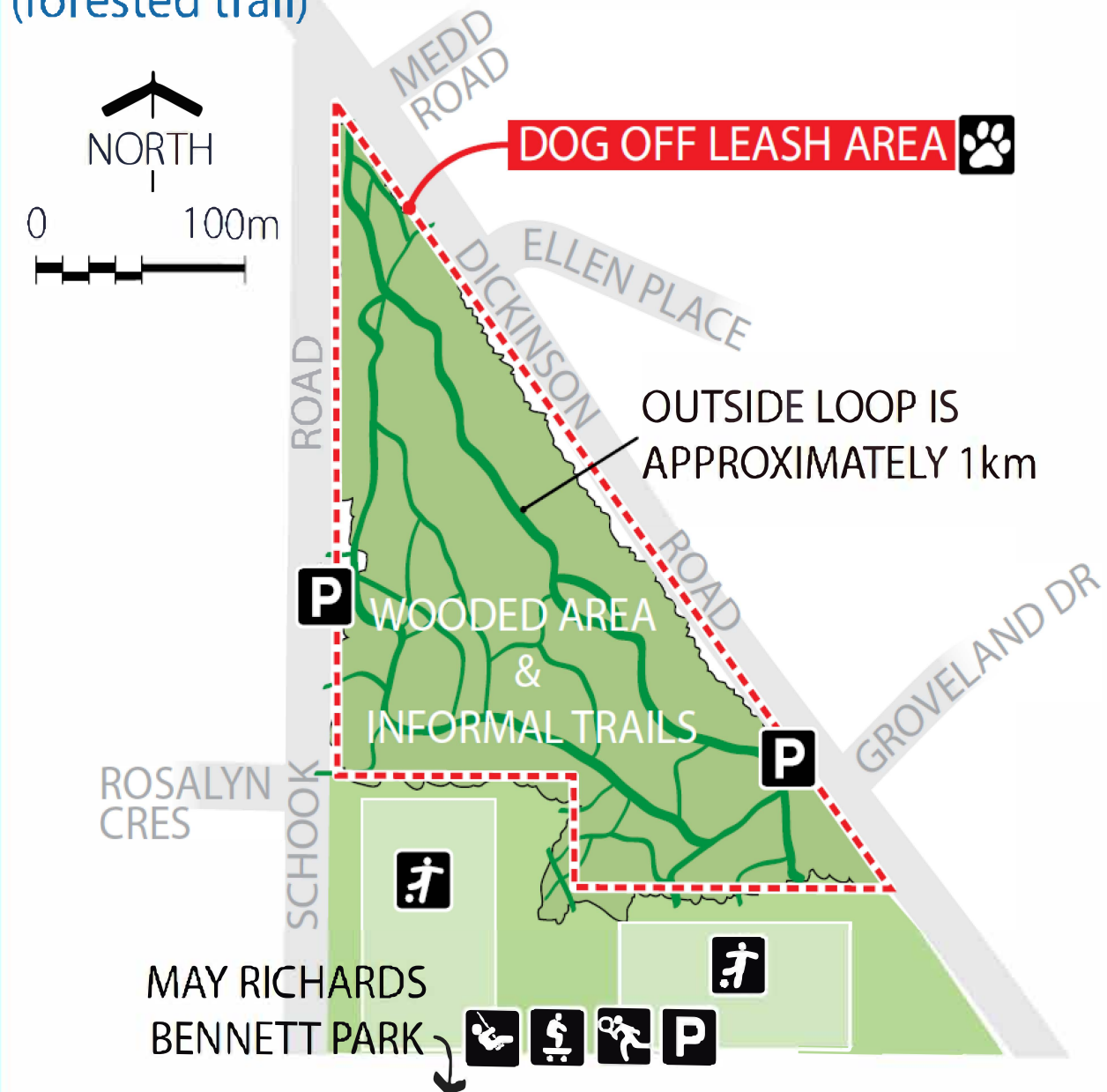


SCHEDULE B
Animal Responsibility Bylaw
Designated Off-Leash Dog Area - Invermere Beach

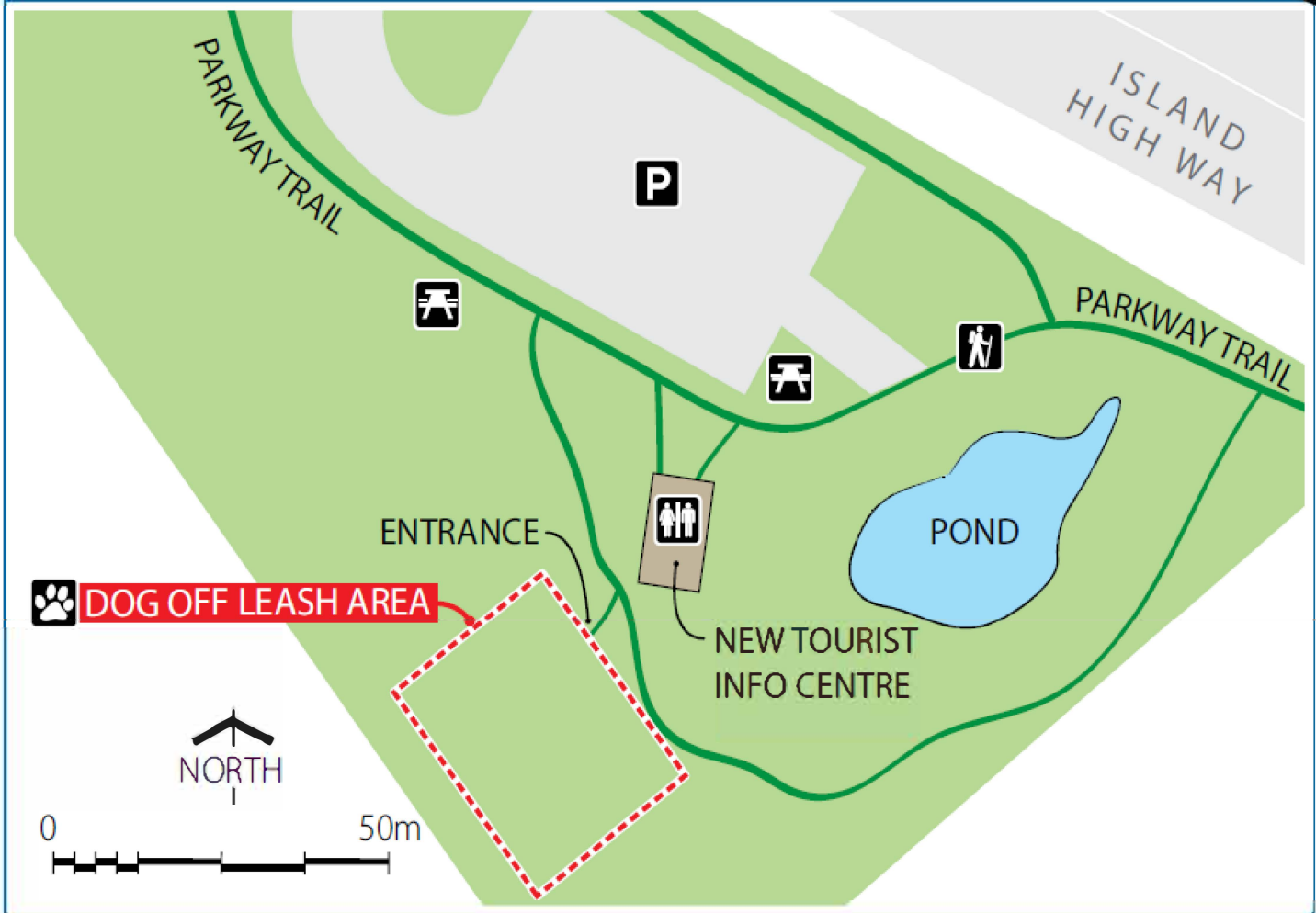


May Richards Bennett Pioneer Park

(forested trail)

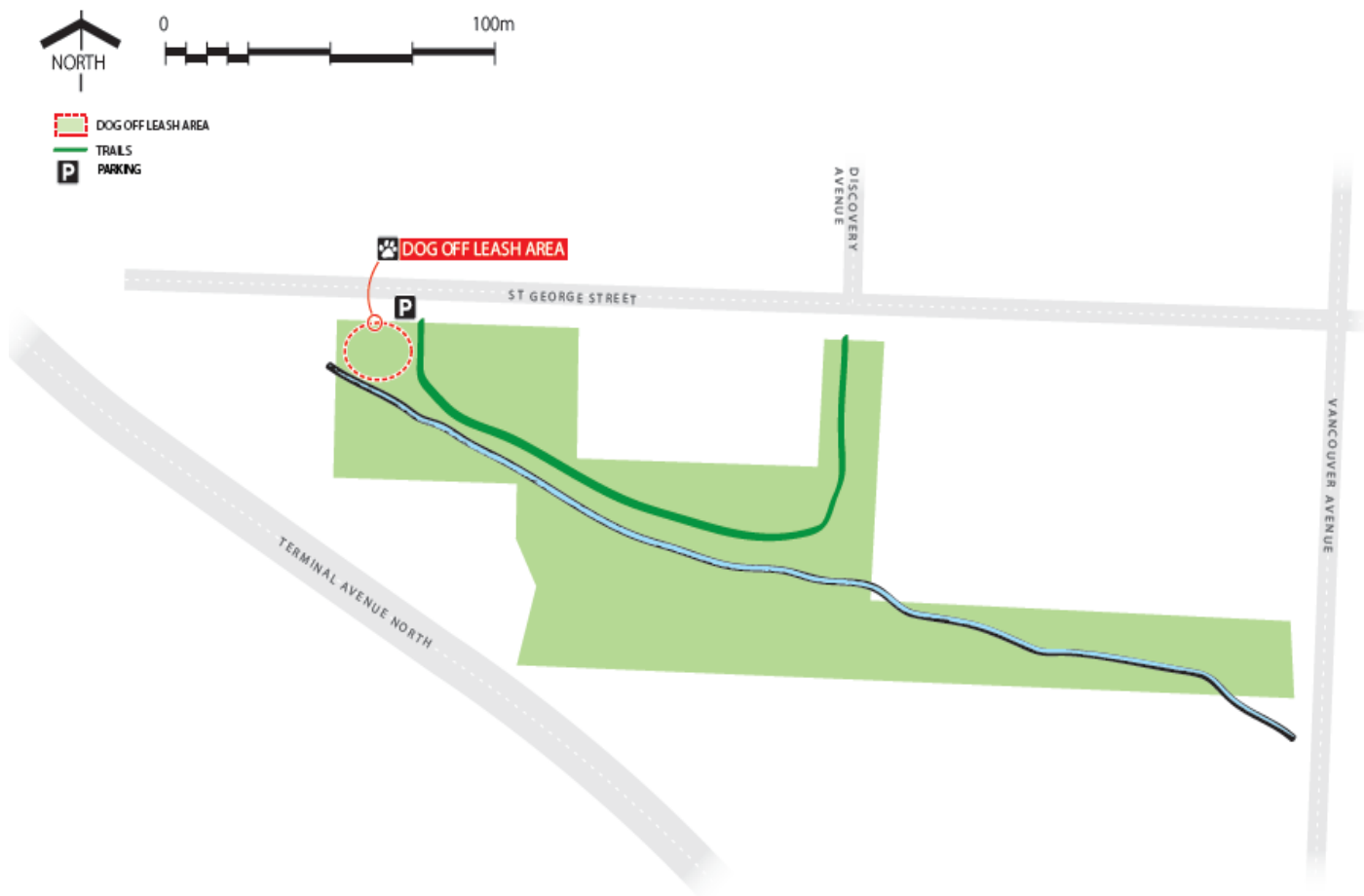


Northfield Rest Stop & Park (fully fenced)

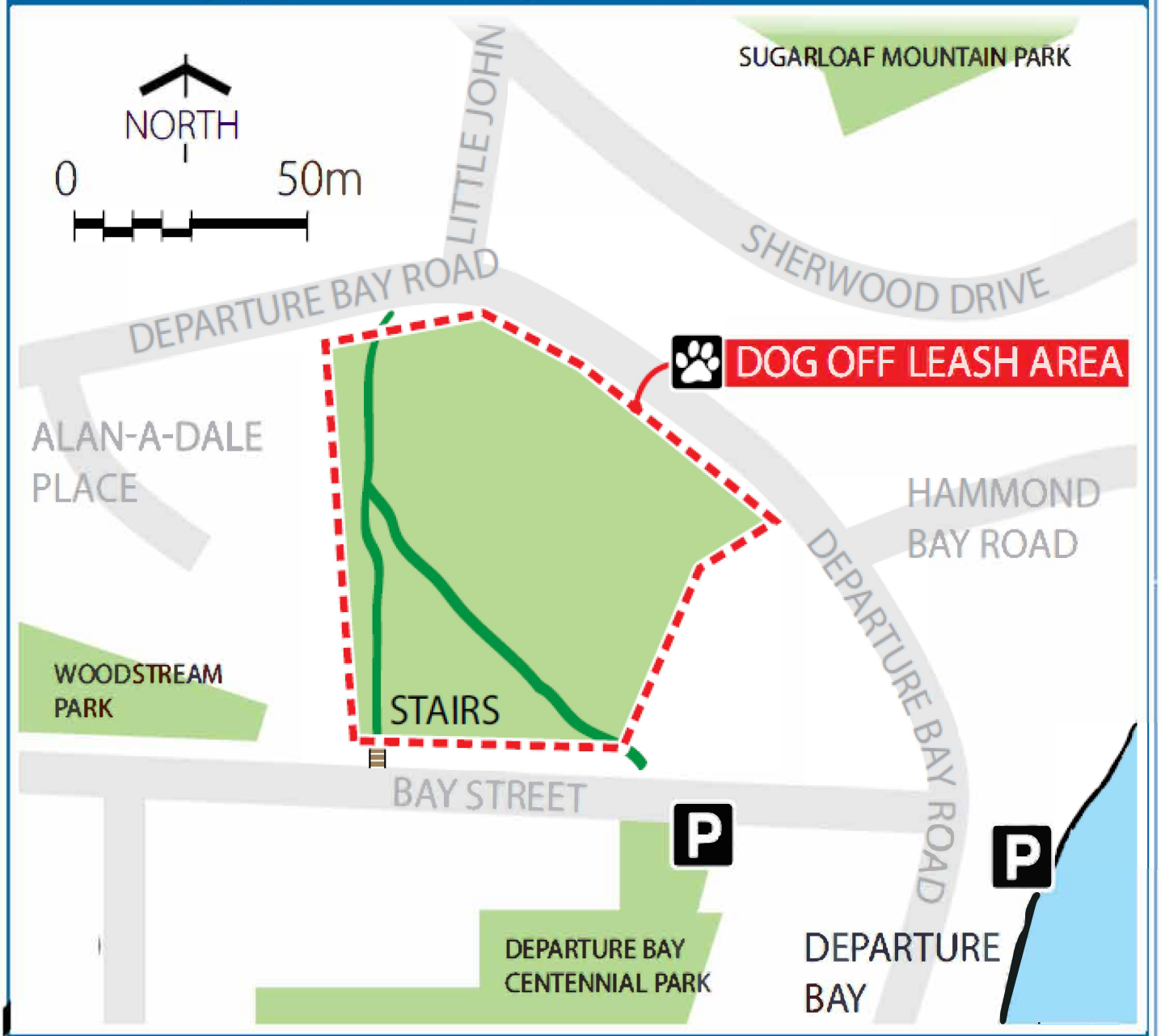


SCHEDULE B
Animal Responsibility Bylaw
Designated Off-Leash Dog Area - St. George Ravine Park

St. George Ravine Park



Wardropper Park (fully fenced)



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

Westwood Lake



DATE OF MEETING NOVEMBER 9, 2020

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

SUBJECT **Attachment 2 - RPT_GPC201009_Animal Responsibility Bylaw.docx**

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, health 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

“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, <i>Felis Catus</i> or <i>Felis Domesticus</i> , 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"> (a) whose name appears on a Dog Licence; (b) who is in possession of a Dog; (c) who has the care, custody or control of a Dog; or (d) who possesses, harbours or allows a Dog to remain about a house, land or premises owned or occupied by that person.
"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 of 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">(a) a Pit Bull Terrier, an American Pit Bull Terrier, a Pit Bull, a Staffordshire Bull Terrier or an American Staffordshire Terrier; or(b) a dog of mixed breeding which breeding includes the blood line of the breeds referred to in (a). <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">(a) has bitten a human without provocation;(b) has bitten an Animal without provocation; or(c) has a known propensity, tendency or disposition to attack or aggressively pursue without provocation a human, or an Animal; or(d) a Restricted Dog.								

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 m² (4843.75 ft²) 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 m² (4 ft²) 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 28th 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 1st 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
Dog Licencing	<ul style="list-style-type: none"> – 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 – THAT the City enable new dog licences to be sold online at nanaimo.ca – 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 – THAT the City develop a tiered approach to dog licence pricing with higher prices for intact dogs and aggressive dogs – THAT the City adopt a zero tolerance approach for failure-to-licence offences – THAT the City increase the failure-to-licence fee to <u>\$125</u> (<u>\$100</u> if paid within 14 days)
Scope of Service	<ul style="list-style-type: none"> – THAT the City transfer responsibility for dealing with animal carcasses, other than those of cats and dogs, to the City's public works crews – THAT the City transfer responsibility for dealing with dog-related noise complaints to the Animal Control Officers

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Issue	Recommendations
	<ul style="list-style-type: none"> > 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
Delivery Model	<ul style="list-style-type: none"> – THAT the City retain the contract-based service delivery model for the Animal Control Service – 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
Level of Service	<ul style="list-style-type: none"> – THAT the City provide the funding required to increase the number of Animal Control Officers by one full time equivalent (FTE) position
Pound & Adoption Centre	<ul style="list-style-type: none"> – THAT the City renovate the Pound & Adoption Centre facility
Cats in Nanaimo	<ul style="list-style-type: none"> – 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 – THAT the City require every owner of a cat that is permitted to go outside to have the cat spayed or neutered – 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 – THAT the City, as part of any renovation of the Pound & 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 – 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,

Issue	Recommendations
	and to help ensure the sustainability of the Society as an agency focused on the control of feral cat populations
Education	<ul style="list-style-type: none"> – 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 – 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
Licencing and Control of Animals Bylaw	<ul style="list-style-type: none"> – 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>

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

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"> – sets out requirements for cat owners to follow – only one single section in current bylaw 	<ul style="list-style-type: none"> – opportunity to include provisions on identification, spaying and neutering, and cats at-large – need to include provisions on impoundment of cats – need to change impoundment fee schedule (Schedule B) to include impoundment fees and maintenance (boarding) fees, as well as ability to recover veterinary costs – impoundment fees should be tiered to reward and encourage sterilization

**ANIMAL CONTROL
SERVICE REVIEW**

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NEILSON
STRATEGIES

**APRIL 2020
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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 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 tethered¹

¹ 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 property².

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.

²Sacks, 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 evidence³⁴⁵ 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.

³ 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.

⁴ 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.

⁵ 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 course⁶, 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:

⁶ 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.

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.⁷ 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.

⁷ 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 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
or by phone at 1-800-665-1858



DATE OF MEETING November 16, 2020

AUTHORED BY SKY SNELGROVE, STENO COORDINATOR AND DEPUTY CORPORATE OFFICER

SUBJECT **REVISED 2021 REGIONAL DISTRICT OF NANAIMO BOARD APPOINTMENTS**

OVERVIEW

Purpose of Report

To request that Council rescind the appointment of Councillor Turley as a Director on the Regional District of Nanaimo Board and appoint Councillor Maartman to the Board.

Recommendation

That Council:

1. rescind the appointment of Councillor Turley as a Director on the Regional District of Nanaimo Board;
2. appoint Councillor Maartman as a Director assigned four votes on the Regional District of Nanaimo Board for a term ending 2021-DEC-31; and,
3. appoint Councillor Turley as an alternate Director on the Regional District of Nanaimo Board for a term ending 2021-DEC-31.

BACKGROUND

Annually Council is requested to appoint members to the Regional District of Nanaimo Board (Board). 2021 appointments were made at the 2020-NOV-02 Council meeting (Attachment A).

DISCUSSION

Councillor Turley has requested to be appointed as an alternate member on the Regional District of Nanaimo Board. Pending Council's approval, Councillor Maartman has agreed to take his place as a Director on the Board. If the recommendation is approved, the weighted votes and appointments will be as follows:

Regional District of Nanaimo Director	Votes
Mayor Krog	5 votes
Councillor Hemmens	5 votes
Councillor Armstrong	5 votes
Councillor Geselbracht	5 votes
Councillor Brown	5 votes
Councillor Bonner	4 votes
Councillor Thorpe	4 votes

Councillor Maartman	4 votes
Councillor Turley	Alternate Director

If the recommendation is approved, Staff will notify the Regional District of Nanaimo.

OPTIONS

1. That Council:
 1. rescind the appointment of Councillor Turley as a Director on the Regional District of Nanaimo Board;
 2. appoint Councillor Maartman as a Director assigned four votes on the Regional District of Nanaimo Board for a term ending 2021-DEC-31; and,
 3. appoint Councillor Turley as an alternate Director on the Regional District of Nanaimo Board for a term ending 2021-DEC-31.
 - The advantages of this option: Councillor Turley has requested to be appointed as an alternate member to the Regional District of Nanaimo Board. Councillor Maartman has agreed to take his place on the Board.
 - The disadvantages of this option: None identified.
 - Financial Implications: Council members receive remuneration from the RDN based on the meetings attended.
2. That Council provide alternative direction.
 - The advantages of this option: Council may wish to provide alternative direction.
 - The disadvantages of this option: Dependent on direction received.
 - Financial Implications: Dependent on direction received.

SUMMARY POINTS

- Councillor Turley has requested to be appointed the alternate member on the Regional District of Nanaimo Board.
- Councillor Maartman has agreed, pending Council's approval, to be appointed as a Director.
- If the appointments are approved, Staff will notify the Regional District of Nanaimo.

ATTACHMENTS:

Attachment A: 2021 Regional District of Nanaimo Board Appointments Report dated 2020-NOV-02.

Submitted by:

Sheila Gurrie,
Director, Legislative Services

Concurrence by:

Jake Rudolph
Chief Administrative Officer

ATTACHMENT A



Staff Report for Decision

File Number: CC-02

DATE OF MEETING NOVEMBER 2, 2020

AUTHORED BY SKY SNELGROVE, STENO COORDINATOR AND DEPUTY CORPORATE OFFICER

SUBJECT **2021 APPOINTMENTS TO THE REGIONAL DISTRICT OF NANAIMO BOARD**

OVERVIEW

Purpose of Report

To obtain Council direction regarding appointments to the Regional District of Nanaimo Board and to establish voting assignments for each Director for 2021. |

Recommendation

That Council renew, for a term ending 2021-DEC-31, appointments of the current Council members on the Regional District of Nanaimo Board as follows:

Mayor Krog	5 Votes
Councillor Hemmens	5 Votes
Councillor Armstrong	5 Votes
Councillor Geselbracht	5 Votes
Councillor Brown	5 Votes
Councillor Turley	4 Votes
Councillor Bonner	4 Votes
Councillor Thorpe	4 Votes
Councillor Maartman	Alternate

BACKGROUND

In accordance with the City of Nanaimo Policy *Appointments to the Board of Directors of the Regional District of Nanaimo* (Attachment A), each year Council is requested to appoint members to the Regional District of Nanaimo Board.

The recommended appointments are grounded in policy which advises that "...the selection of members of Council shall be considered on a combination of experience and voter confidence." |

DISCUSSION

Council may wish to renew the current appointments to the Regional District of Nanaimo Board (RDN) or select different members to sit on the board. Consideration should be given to Council's appointment policy. |

OPTIONS

1. That Council renew, for a term ending 2021-DEC-31, appointments of the current Council members on the Regional District of Nanaimo Board as follows:

Mayor Krog	5 Votes
Councillor Hemmens	5 Votes
Councillor Armstrong	5 Votes
Councillor Geselbracht	5 Votes
Councillor Brown	5 Votes
Councillor Turley	4 Votes
Councillor Bonner	4 Votes
Councillor Thorpe	4 Votes
Councillor Maartman	Alternate

- The advantages of this option: This option aligns with Council's policy for Regional District of Nanaimo Board member appointments and is consistent with the current appointments.
- The disadvantages of this option: Council may wish to change the weighted votes assigned to each member, or the alternate member.
- Financial Implications: Council members receive remuneration from the RDN based on the meetings attended.

2. That Council appoint, for a term ending 2021-DEC-31:

- five directors with five votes each,
- three directors with four votes each; and,
- one alternate.

- The advantages of this option: Council may wish to vary their RDN appointments.
- The disadvantages of this option: This option does not align with Council's policy.
- Financial Implications: Council members receive remuneration from the RDN based on the meetings attended.

SUMMARY POINTS

- Council is requested to appoint eight members to the Regional District of Nanaimo Board.
- Council can assign 5 votes to five directors, 4 votes to three directors and select one alternate.
- Appointments are for a one year term ending 2021-DEC-31.

ATTACHMENTS:

Attachment A: Appointments to the Board of Directors of the Regional District of Nanaimo Policy |

Submitted by:

Sheila Gurrie
Director, Legislative Services

Concurrence by:

Jake Rudolph
Chief Administrative Officer

ATTACHMENT A



Section:	Administration	1
Subsection:	Cooperation and Liaison	0400
Title:	Appointments to the Board of Directors of the Regional District of Nanaimo	02

POLICY

Council to review, on a yearly basis, the City's appointees to the Regional District of Nanaimo (RDN) Board of Directors, and that the selection of members of Council shall be considered on a combination of experience and voter confidence.

REASON FOR POLICY

In accordance with the *Local Government Act*, Council is entitled to appoint eight directors to the RDN Board, who are collectively assigned 37 votes. In addition, Council may appoint the remaining Council member as an Alternate Director.

AUTHORITY TO ACT

Retained by Council.

PROCEDURE

Yearly, prior to December 15, the Corporate Officer will place on a Council agenda for Council consideration.

Date: 1999-DEC-20 Approved by: Council

Subject: Nanaimo Riparian Area Protection Bylaw and Development Permit Area 1 Review

Intention: To improve protection of watercourse Riparian Areas for the full range of environmental and community health benefits they provide.

Notice of Motion:

That the city's regulatory framework for watercourses be revised as part of the re-imagine Nanaimo process in order to improve the protection of city watercourse riparian areas for the full range of the important environmental and community benefits they provide.

Background:

The City of Nanaimo currently protects its watercourse riparian areas through two regulatory mechanisms. Zoning Bylaw No. 4500 prohibits development or the alteration of a leave strip of predetermined width depending on the size and type of the watercourse. The leave strip is the protected riparian area land adjacent to the sea or on each side of a watercourse. Development Permit Area 1 (DPA 1) within the Official Community Plan (OCP) regulates development within a leave strip area in cases where encroachment into the riparian area is deemed unavoidable.

The current objectives of DPA 1 reads:

"Protect watercourses with connectivity to freshwater fish habitat, their adjacent riparian areas, and upland areas that exert an influence on the watercourse from development.

Direct the restoration and enhancement of our watercourses and riparian areas so they can provide biologically diverse corridors for wildlife movement and for the protection of natural features, functions and conditions that support fish and wildlife processes."

Discussion:

There is a need to revise the current regulatory framework for protecting Nanaimo's watercourse riparian areas. First, protection objectives as outlined in DPA1 do not capture the full value of the community benefits that watercourse riparian areas provide to the public. Second, as currently applied, the guidelines of DPA 1 can undermine this regulatory tool's ability to meet its protection objectives. Third, a development permit area as a regulatory tool may not be the most effective means to protect watercourse riparian areas and shield the municipality from legal risk that may result from lot sterilization. Each of the above challenges within the current city of Nanaimo regulatory framework is related to the others and not easily isolated as a separately addressable instance. Therefore, despite addressing them each individually below, any revisions need to be carried out through a holistic review that examines how protection and enhancement objectives are best realized through bylaw and development regulations.

Protection objectives as outlined in DPA 1 do not capture the full value of the community benefits that watercourse riparian areas provide to the public.

The justification section within DPA1 in the OCP describes the full range of benefits that watercourse riparian areas provide to environmental, community and economic health. Along with the important role in maintaining biodiversity through fish and wildlife habitat, the justification section for the DPA lists the important contributions riparian areas provide to essential hydrological services such as water purification, storage and drainage and community health benefits through access to nature in urban settings. In the objectives section of DPA 1, however, the focus is narrowed to solely protecting these areas for their value as fish and wildlife habitat. This is problematic as the DPA guidelines that follow do not contain the necessary components to realize the protection of the complete host of community benefits that riparian areas provide.

Guidelines of DPA 1 can undermine this regulatory tool's ability to meet its protection objectives

The omission of key riparian benefits in the values the DPA seeks to protect is further exacerbated through how the guidelines of the DPA are applied in practice. In cases, such as with pre-existing lots within the prescribed Zoning Bylaw No. 4500

watercourse leave strip, riparian area setbacks are determined through the recommendation of a Qualified Environmental Professional (QEP) hired by the proponent.

The determination of the leave strip area, established by the QEP and called a Stream Protection and Enhancement Area (SPEA), takes a narrow view of environmental considerations. Essentially, the SPEA methodology is only concerned with establishing a minimum setback to maintain suitable fish habitat, thus omitting any consideration for wildlife habitat, hydrological services or community health benefits.

Another aspect of the DPA1 guidelines that can further undermine the regulatory tool's ability to protect watercourse riparian areas is the current application of the "no net loss" principle. The "no net loss" principle is a principle to ensure that "the existing condition of watercourse and riparian ecological form and function should not deteriorate due to permitted development." The principle is often applied by requiring the proponent to make up for riparian area lost to development by improving the condition of the remaining riparian area. This is often in the form of removing invasive plants in the remaining riparian area and planting more native species with a management plan.

The use of the "no net loss" principle in this way does not protect the full range of riparian values for the community but in fact further exacerbates habitat loss through land conversion. It does this by dramatically overvaluing the gains resulting from the invasive plant removal and replanting compared to the potential habitat and permeable biologically active surface area permanently lost to the development. Given that every unmanaged urban lot will have invasive species intrusion into it, removing land from the riparian area will be justified in every case through the argument that the remaining land will be improved. If you want to encroach into a riparian area setback 10m, wait 5 years for sufficient invasive plant intrusion. If you want 20m wait 8 years before you apply for a permit. This is a co-opted understanding of "no net loss" and an unjustified devaluing of degraded but undeveloped land that has the potential to be ecologically productive.

Every square foot of undeveloped space is more space for wildlife habitat, potential bio-diversity, hydrological services and community health benefits whether they are currently realized or not. Furthermore, area for wildlife habitat and other

important values become more important as urban density increases. Development of this square footage is a permanent loss, thus strong pro-active preventative measures to prevent loss is critical. As Nanaimo's density intensifies, more resources will become available to restore degraded leave strip sites because the value and need for that space to be biologically productive and healthy will increase. This highlights the need to draw attention to the difference between ***protection objectives*** and ***enhancement objectives*** in regulatory efforts. These objectives are not always the same. Protection is preserving the areas available for potential community benefits in as much of their entirety as possible. Enhancement objectives that rehabilitate the form and function of riparian areas are important but not equal to protection objectives. The community benefits of protected riparian areas can always be enhanced but once developed these potential benefits are permanently lost.

Case Study

The recent staff recommendation to support a 20m encroachment for the development of a single family home into a Riparian leave strip on one of the three specially designated streams in Nanaimo is a case study that highlights the weaknesses in the city's current watercourse riparian regulations to meet protection objectives. Cottle creek is one of three watercourses given a special designation within the city's OCP and protected with a 30 m leave strip because of its identified biological uniqueness and important characteristics connecting major parklands and bodies of water.

As background, almost the entire lot for the proposed single family home was within the 30m leave strip of Cottle Creek as outlined in Zoning Bylaw No. 4500. The lot was first created in 1995 ***after*** an earlier watercourse protection bylaw created in 1992 which mandated a 15m leave strip from high-water. As a condition of subdivision for the creation of the lot, it had to be demonstrated at that time that a footprint of a house was feasible outside of the 15m leave strip. This was demonstrated and the subdivision was allowed to occur.

In the intervening period to the recently approved development permit, Zoning Bylaw No. 4500 was enacted and it extended the Cottle Creek leave strip to 30m and a Development Permit Area was established to address situations of variances and site sterilizations. Despite the apparent increase in regulations on the

development of the lot, because of the weaknesses of the DPA1 process outlined above, the outcome of the development permit process led to an almost 5 m erosion of the land originally protected as a condition of the original subdivision approval. With this type of outcome it is clear that our current riparian protection mechanisms may not be supporting the protection objectives that are aligned with the intentions of our regulatory frameworks and the expectations of the community. This has led to much conflict with the community in recent years each time variances are requested to watercourse leave strips.

Development permit areas may not be the most effective tool to protect watercourse riparian areas and address cases of lot sterilization

Finally, DPAs may not be the appropriate regulatory tool to protect watercourse riparian areas, especially in cases where lots exist within Bylaw 4500 leave strips with legacy permitted uses for development. Without clear community targets for habitat conservation, natural asset protection for hydrological services and access to natural spaces, along with the methodological assessment tools to quantify and protect for these values, the DPA process will inevitably result in unbalanced recommendations favoring private interests and land conversion. DPA1 is however, currently depended on to protect the municipality from legal challenges by allowing for a mechanism to develop pre-existing lots that would otherwise be sterilized by the riparian leave strips of Zoning Bylaw No. 4500. This leaves two options 1) reform the current DPA process to better protect riparian area values or 2) develop a new regulatory tool such as a “Homeplate” policy found within the protection of ALR lands. The Homeplate policy would provide allowable maximum square footage for development on a property when it is potentially sterilized by a watercourse protection bylaw. Both DPA 1 reform and a Homeplate policy should be considered in the proposed review.

Delegation Request

Delegation's Information:

Paul Chapman has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is November 16, 2020.

The requested meeting is:
Council

Bringing a presentation: No

Details of the Presentation:

To speak in support of Councilor Geselbracht's following motion for consideration under Other Business: "That the City's regulatory framework for watercourses be revised as part of the REIMAGINE Nanaimo process in order to improve the protection of city watercourse riparian areas for the full range of the important environmental and community benefits they provide."