



AGENDA
GOVERNANCE AND PRIORITIES COMMITTEE MEETING

Monday, January 11, 2021, 1:00 P.M. - 4:00 P.M.

Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

		Pages
1.	CALL THE MEETING TO ORDER: [Note: This meeting will be live streamed and video recorded for the public.]	
2.	INTRODUCTION OF LATE ITEMS:	
3.	APPROVAL OF THE AGENDA:	
4.	ADOPTION OF THE MINUTES:	
a.	<u>Minutes</u> Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2020-NOV-09, at 1:00 p.m.	3 - 13
b.	<u>Minutes</u> Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2020-NOV-23, at 1:00 p.m.	14 - 20
5.	REPORTS:	
a.	<u>GOVERNANCE AND MANAGEMENT EXCELLENCE:</u>	
b.	<u>ENVIRONMENTAL RESPONSIBILITY:</u>	
c.	<u>ECONOMIC HEALTH:</u>	
d.	<u>COMMUNITY WELLNESS/LIVABILITY:</u>	
1.	Snuneymuxw First Nation and School District 68 Truth and Reconciliation	21 - 26

To be introduced by Jake Rudolph, Chief Administrative Officer.

Presentation:

1. Joan Brown, Chief Administrative Officer, Snuneymuxw First Nation, and Scott Saywell, Superintendent, School District 68
2. Animal Responsibility Bylaw - Engagement Results 27 - 97

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

Purpose: To provide options for proposed changes to the draft Animal Responsibility Bylaw based on feedback received during the citizen engagement period.

Presentation:

1. Karen Robertson, Deputy City Clerk

Recommendation: That the Governance and Priorities Committee:

1. select a preferred option from the themes as outlined in the staff report;
 2. direct staff to incorporate the Committee's preferred options into the Animal Responsibility Bylaw; and
 3. direct staff to forward the revised Animal Responsibility Bylaw to Council for consideration of first three readings.
3. Update on Active Transportation Planning 98 - 104

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

Presentation:

1. Jamie Rose, Manager, Transportation

e. REIMAGINE NANAIMO:

f. AGENDA PLANNING:

1. Governance and Priorities Committee Agenda Planning 105 - 112
2. Agenda Planning Prioritization

6. PROCEDURAL MOTION:

7. ADJOURNMENT:

MINUTES
GOVERNANCE AND PRIORITIES COMMITTEE MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2020-NOV-09 AT 1:00 P.M.

Present: Councillor Hemmens, Chair
Mayor L. Krog
Councillor S. D. Armstrong (vacated 3:56 p.m.)
Councillor D. Bonner
Councillor T. Brown (vacated 5:03 p.m.)
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe (vacated 3:43 p.m.)
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
L. Mercer, Director, Finance (joined electronically)
J. Elliot, Director, Public Works
J. Holm, Director, Development Approvals
F. Farrokhi, Manager, Communications
L. Bhopalsingh, Manager, Community Planning
T. Daliran, Manager, Sanitation, Recycling and Cemeteries
D. LaBerge, Manager Bylaw Services
R. Lawrance, Environmental Planner
K. Brydges, Environment Protection Officer
S. Gurrie, Director, Legislative Services
K. Robertson, Deputy City Clerk
K. Gerard, Recording Secretary

1. CALL THE GOVERNANCE AND PRIORITIES COMMITTEE MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5(a)(1) – Animal Responsibility Bylaw – Add PowerPoint presentation.
- (b) Agenda Item 5(e)(2) – REIMAGINE NANAIMO – Phase 1 Engagement Status Update – Add Video Entry from the Creative Community Contest for REIMAGINE NANAIMO titled "Easier-Island" by Zephon Winter.

3. APPROVAL OF THE AGENDA:

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

4. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2020-OCT-26, at 1:00 p.m. be adopted as circulated. The motion carried unanimously.

5. REPORTS:

a. GOVERNANCE AND MANAGEMENT EXCELLENCE:

(1) Animal Responsibility Bylaw

Introduced by Sheila Gurrie, Director, Legislative Services.

Delegations:

1. Alison Cuffley, Officer, Government Relations, BCSPCA., spoke regarding the Animal Responsibility Bylaw. Highlights included:
 - SPCA supports the revised draft bylaw which includes best practices from other municipalities, provisions for standards of care and common animal related issues
 - An important amendment includes the removal of breed specific inclusion as any breed of dog can be aggressive
 - The maximum number of allowable pets will ensure hoarding issues decrease while standards of care increase
 - Cat identification and spay/neuter requirements will assist with the problem of feral cats and overpopulation
 - Basic standards of care requirements will allow Animal Control Officers to better assist animals in distress and will ensure a better quality of life for animals
 - 68% of municipalities in BC have introduced and adopted these standards of care for pets
2. Leon Davis, Branch Manager, Nanaimo and District, BCSPCA, spoke regarding the Animal Responsibility Bylaw. Highlights included:
 - The biggest issue for Nanaimo SPCA and other branches throughout BC is cat overpopulation with significant amounts of revenue spent keeping stray cats and spaying/neutering
 - The contribution to the Spay Neuter Incentive Program (SNIP) has increased but the number of cat owners utilizing the programs has decreased significantly since 2008

- Basic standards of care in the new bylaw is a very important piece as it will give Animal Control Officers better tools to force compliance from pet owners regarding neglect and humane treatment of pets
- SPCA officers cannot write tickets and receiving a warrant to seize an animal is a lengthy process
- Allowing a maximum amount of animals will greatly reduce hoarding issues
- Removal of the breed specific wording for aggressive dogs removes the stigma for a breed and ensures responsible pet ownership for any breed of dog

Presentation:

1. Karen Robertson, Deputy City Clerk, provided Council with a PowerPoint presentation regarding the Animal Responsibility Bylaw. Highlights included:
 - On 2020-JUN-08 recommendations regarding the Animal Control Service Review, completed by Neilson Strategies in December of 2019, were brought to Council and recommendations were adopted at the 2020-JUL-06 Regular Council Meeting
 - The new bylaw focuses on responsible pet ownership, basic standards of care and provisions for cats regarding strays, identification and spay/neuter requirements
 - Guiding bylaws, consultation and best practices from the following municipalities and people were used in the creation of draft “Animal Responsibility Bylaw 2020 No. 7316”:
 - SPCA
 - District of North Cowichan
 - City of Duncan
 - City of Victoria and Township of Esquimalt
 - BCSPCA representatives
 - Owner and Coordinator of the Nanaimo Animal Shelter
 - Executive Director, Cat Nap Society
 - Experienced beekeeper
 - Companion animal limits include no more than 4 dogs over 16 weeks old and no more than 5 cats over the age of 12 weeks but exceptions are provided for registered foster care and rescue organizations
 - Current owners of more than 6 animals will be grandfathered
 - Removing breed specific language for aggressive dogs and adding requirements for aggressive dogs such as: holding liability insurance, signage posted on property and no aggressive dogs can be near, or on, school grounds
 - Other changes include sanitation requirements, tethering provisions, transport of animals and exercising of dogs from a motor vehicle

Committee discussion took place. Highlights included:

- The issue of feral rabbits and commercial sale of rabbits for food was brought to Council in 2017 and is not addressed in this draft bylaw
- Dog bites on children being reported though health practitioners or hospital staff
- Small birds being designated a companion animal and maximum allowable amount of small birds in a home
- Poultry, goats and exotic animals such as tarantulas and reptiles
- Availability of tags when registering dogs

Karen Robertson, Deputy City Clerk, continued her presentation:

- Goats are considered livestock and no amendment has been included in the bylaw for goats
- The current bylaw allows for a maximum of four small birds per household
- The Province does review and approve the draft bylaw before final adoption and amendments to the bylaw can be made in the future as unforeseen circumstances come up
- Cat identification requirements will ensure owners are reunited with their pets which will reduce care and sheltering costs
- Lost, unsterilized cats are a contributing factor to cat overpopulation and the draft bylaw makes it mandatory for cats to be sterilized with exceptions for registered breeders
- Exemptions in the bylaw for people registered with the Cat Nap society
- Next steps include:
 - consideration of the bylaw for three readings at the 2020-NOV-16 Regular Council Meeting
 - Province of BC Minister approval
 - Fee and fine schedule developed and introduced
 - Upon adoption, press release and FAQ sheet communicated to the public

Committee discussion took place. Highlights included:

- Cat identification and how that would be enforced
- Licensing of cats the same way dogs are licensed
- Trapping of raccoons and cats
- The fine and fee schedule
- Animal Control Officers and their ability to remove a dog from a hot car is they see signs of distress

Karen Robertson, Deputy City Clerk, stated that once the draft bylaw is approved by the Ministry the fee and fine schedule will be developed. Animal Control Officers can respond to a report of a dog in a hot car but are not legally allowed to remove the animal. The RCMP must be called to remove the animal.

Alison Cuffley, Officer, Government Relations, BCSPCA, stated that limits for small birds are based on property size and the owner's ability to care for the animals. If a property has a large amount of animals but the animals are being well cared for the SPCA offers some leniency to the owners.

It was moved and seconded 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. The motion carried unanimously.

(2) Residential Waste Collection Post-Implementation Review

1. Curbside Collection Post Implementation Review – 2021 Recommendations

Introduced by Bill Sims, General Manager, Engineering and Public Works.

Presentation:

1. Allan Neilson, Neilson Strategies Inc., provided Council with a presentation regarding the 2021 Residential Waste Collection Implementation Review and 2021 Recommendations. Highlights included:

- Overview includes: purpose of service review, existing service, benefits of the service, challenges to address and recommendations to consider for the fiscal 2021 year and beyond
- Conditions have changed specifically around the amount of solid waste put to the curb by residents and how we can ensure long term efficiency and sustainability
- Existing vehicles include 60/40 split vehicles that are Certified Natural Gas (CNG) with three diesel back up trucks
- Nanaimo's user rate fees are comparable to other municipalities in BC
- The four major expenses in waste, recycling and organics collection are tipping fees, labour, fleet charges and debt servicing
- There have been increases in garbage, organics and recycling especially during COVID-19
- Every municipality that has switched to automated pick up have noticed a large decrease in worker safety issues and WorkSafe BC claims
- The CNG trucks have reduced emissions 30% and are 98% lower in nitric oxide
- Data collection has improved with the use of the onboard computers which record data in real time

- Challenges include:
 - Split load vehicles being full in one compartment and not the other
 - Maintenance costs have increased as maintenance bays at the Public Works Yard are not equipped to accommodate the CNG trucks
 - Mechanics shifts overlap when the vehicles are in use so the truck has to be pulled off it's route for maintenance
 - Off site refueling
 - Overtime increased in 2017 to 2019 but 2020 has seen a decrease in overtime due to the addition of an extra route
 - Driver training to ensure natural wear and tear on the vehicle is recognized which reduce maintenance costs and down time
 - Continued resident education regarding cardboard, cart placement, contamination and encouraging cart hold backs if the cart is not full
- Recommendations based on of two year's of data include:
 - Increase the number of zones and pick ups especially for recycling
 - Create an administrator position for management, maintenance and delivery of carts
 - Installation of CNG charging stations at the Public Works Yard

Committee discussion took place. Highlights included:

- Development of a cost benefit analysis
- Using single load trucks to collect organics every 2 weeks instead of split trucks every week
- Collecting data regarding homes not putting out garbage, recycling or organics on scheduled days
- Switching to a pay as you go system for garbage only to encourage recycling and organics
- Developing an agreement with Regional District of Nanaimo (RDN) where City CNG vehicles could be maintained and repaired
- Use of the onboard computer and will it be used in other trucks once the current trucks have reach their end of life
- Overtime and vehicle maintenance costs
- Capital and financial planning for future costs such as cart replacement and new trucks
- Cost to install a CNG filling station at the Public Works Yard

Allan Neilson, Neilson Strategies Inc., stated that it is expensive to install CNG charging stations but Fortis BC will work with municipalities to lower the costs and/or cover the installation fees.

The Governance and Priorities Committee Meeting recessed at 3:17 p.m.
The Governance and Priorities Committee Meeting reconvened at 3:30 p.m.

Committee discussion took place. Highlights included:

- Utilizing existing employees instead of hiring new staff for the recommended administrator position
- Six million dollars in COVID-19 relief funds provided by the Province and using this money to cover the cost of a new position
- Increased costs are covered by user rate fees not general taxation
- Communication and messaging to the public to lower the use of materials and shop locally to reduce packaging
- Introducing incentives for reducing waste

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

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

The motion carried unanimously.

Councillor Thorpe vacated the Shaw Auditorium at 3:43 p.m.

2. Residential Waste Collection Optimization Plan

Presentation:

1. Taaj Daliran, Manager, Sanitation, Recycling and Cemeteries, provided a presentation regarding the Residential Waste Collection Optimization Plan. Highlights included:
 - Review of current operations and projected increases in garbage, organics and recyclables
 - Recyclable materials collected has increased significantly which has resulted in more trips to the disposal facility
 - On average it is taking nine hours per truck, per day to collect recyclables
 - If COVID-19 continues there could be an increase of 25 – 50% in recyclables by 2022
 - Current annual collection capacity is 19,000 tonnes which include recyclables, garbage and organics
 - Optimization plan includes adding equal number of routes in each zone, separate the recyclables from the landfill route which will divide each zone into two separate collection routes

- Each zone will have 5 landfill collection routes and 6 recyclable routes
- Optimized operations include 10 zones with 110 routes and will increase collection capacity to 20,900 tonnes
- Advantages of optimization plan include:
 - Maintains existing service levels while increasing capacity
 - Reduces overtime and time spent in line-ups at disposal facilities
 - Provides future capacity for diversion rate increases
 - A low \$6.00 user rate increase per user in 2021
- Current schedule continues to January 2021, with the new collection schedule beginning on 2021-JAN-25

Committee discussion took place. Highlights include:

- Continued education for residents and more education for commercial and business to reduce packaging
- Scheduling recycling and garbage pick up once per week on alternating weeks

Councillor Armstrong vacated the Shaw Auditorium at 3:56 p.m.

It was moved and seconded that the Governance and Priorities Committee recommend that Council endorse the Ten-Zone Waste Collection Optimization Plan for implementation in January 2021. The motion carried unanimously.

b. ENVIRONMENTAL RESPONSIBILITY:

(a) The Nanaimo City Doughnut

Councillor Brown and Councillor Geselbracht provided Council with a PowerPoint presentation regarding Doughnut Economy. Highlights included:

- The idea behind the Doughnut Economy (the Doughnut) is to organize City initiatives and provide for a robust framework for these initiatives
- The Environment Committee made a recommendation at the 2020-NOV-04 meeting which will be coming forward to Council at the 2020-NOV-16 Regular Council meeting regarding the Doughnut Economy model
- The model helps visualize how the City can move forward with initiatives, coordinate frameworks, measure targets and communicate a clear vision, purpose and direction to the community
- Provides for organization around key objectives, helps assess progress and identify gaps
- The Environment Committee would like to use the doughnut model to focus on climate change
- Downscaling the doughnut involves making the framework and vision fit at the community level

- The doughnut model fits with the framework and plans involved in REIMAGINE NANAIMO
- Moving forward the City could adopt a vision statement that provides a sound framework to City planning, supports a healthy community and a healthy environment
- All municipalities have a responsibility to take care of the environment on a global and local level
- Look at the methodology of downscaling the doughnut to fit Nanaimo and have a more informed conversation regarding this in the future

c. REIMAGINE NANAIMO

1. REIMAGINE NANAIMO Climate Action Plan Update

Rob Lawrance, Environmental Planner, introduced the presentation and advised:

- Staff are working to position Nanaimo to address climate change including goals and objectives on a nation wide and local level
- Focusing on climate mitigation, green house gas targets, climate adaptation (flood, rainfall, heat etc.), watersheds, habitat conservation, restoration and urban forest cover
- Goals in restoring natural areas creating more diverse green space and active mobility hubs to encourage walking and cycling

Presentation:

1. Lisa Bhopalsingh, Manager, Community Planning, and Duncan Cavens, C2MP Consulting Ltd, provided Council with a presentation regarding the Climate Action Plan. Highlights included:

- All municipalities participate in regional growth strategies which set growth targets and measures progress
- The City and the RDN work closely on creating goals, setting targets and monitoring progress of the agreed upon strategy
- Climate change and regional growth strategies are interconnected as they effect each other
- Climate benefits when growth is contained inside an urban boundary include reduction of GHG emissions, encouraging greater housing diversity, encouraging water and energy efficiency and more sustainable subdivision development

Duncan Cavens, C2MP Consulting Ltd, continued the presentation. Highlights included:

- Nanaimo has committed to reducing GHG's by 50% from 2010 to 2030
- Emissions are caused by burning fossil fuels, gasoline and diesel emissions and heating of our homes and hot water

- Nanaimo's climate policies include the Official Community Plan, Transportation Master Plan and the Energy Step Code Implementation Strategy
- In 2010 Council set a target of a 33% reduction in emissions by 2020 but as of 2017 our emissions have increased 18% as a result of population growth and new housing developments
- Ideas to further reduce our GHG emissions include:
 - Increase efficiency and reduce demand of fossil fuels
 - Switch to zero carbon energy sources
 - Retrofitting older buildings to upgrade heat sources and insulation using education, incentives and a top-up rebate program
 - Take advantage of readily available low-emission hydroelectricity
 - Target oil heated homes and introduce incentives or top-up rebates for residents who switch to hydroelectricity
 - Require more electric charging stations for new developments and increase investment in active transportation

Councillor Brown vacated the Shaw Auditorium at 5:03 p.m.

Committee discussion took place. Highlights included:

- How emissions are totalled using volume or usage per capita
- Measuring successes as well as downfalls and how the City is meeting the overall global target
- Education and community messaging are key to reducing waste
- BC Hydro's ability to handle the increase in usage if all cars and houses switch to hydro electricity
- Ways to reduce material usage and shorten supply chains

2. REIMAGINE NANAIMO – Phase 1 Engagement Status Update

Introduced by Dale Lindsay, General Manager, Development Services.

Presentation:

1. Lisa Bhopalsingh, Manager, Community Planning, provided a PowerPoint presentation regarding phase 1 engagement status and the key updates that have occurred since the 2020-OCT-26 Governance and Priorities Committee Meeting. Highlights included:
 - Met with over 9 neighbourhood associations, user groups and organizations
 - Parks and Recreation Staff have met with 60 to 70 user groups
 - Vancouver Island University partnership will begin the week of November 16th with a target of 500 additional responses
 - Invitations for outreach session have been sent to 177 user groups by different City of Nanaimo departments

- REIMAGINE NANAIMO website has seen a total of 9,500 visits and just over 1,300 surveys submitted and 2,000 surveys were mailed out, 500 were returned
- Shopping centre pop-ups were extremely successful with additional pop-ups planned for November 7th, 14th, 21st and 28th
- Entries for the Creative Community Contest are being received and one will be shown at the meeting today titled “Easier Island” by Zephon Winter
- A shorter, simplified survey for people with visual or other barriers will be available soon

d. AGENDA PLANNING:

1. 2021 Governance and Priorities Committee Key Date Calendar

Due to time constraints this item was moved to the 2020-NOV-23 Governance and Priorities Committee Meeting.

2. Governance and Priorities Committee Agenda Planning

Sheila Gurrie, Director, Legislative Services, recommended that Council refrain from adding any more items to the agenda for the Governance and Priorities Committee Meeting, to be held on 2020-NOV-23, due to the amount of items currently on the agenda. Ms. Gurrie also advised the 2020-DEC-14 meeting will focus on planning for 2021 Governance and Priority Committee meetings.

6. ADJOURNMENT:

It was moved and seconded at 5:21 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

MINUTES
GOVERNANCE AND PRIORITIES COMMITTEE MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2020-NOV-23, AT 1:00 P.M.

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

Staff: J. Rudolph, Chief Administrative Officer
R. Harding, General Manager, Parks, Recreation and Culture
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
S. Legin, General Manager, Corporate Services
L. Mercer, Director, Finance
J. Rushton, Manager, Purchasing and Stores (joined electronically)
M. Squire, Manager, Water Resources
C. Lang, Project Engineer
S. Gurrie, Director, Legislative Services
K. Gerard, Recording Secretary

1. CALL THE GOVERNANCE AND PRIORITIES COMMITTEE MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Add a scheduled recess at 3:00 p.m.
- (b) Add Agenda Item 5(e)(2) REIMAGINE NANAIMO – Phase 1 Engagement Status Update

3. APPROVAL OF THE AGENDA:

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

4. REPORTS:

a. GOVERNANCE AND MANAGEMENT EXCELLENCE:

1. Sustainable Procurement

Introduced by Shelley Legin, General Manager, Corporate Services.

Presentation:

1. Tim Reeve, President, Reeve Consulting, and Amanda Chouinard, Consultant, Reeve Consulting, spoke regarding sustainable procurement. Highlights included:

- Currently in Phase 2 of the project which is expected to be completed in March of 2021
- Program Goals include incorporating the 10 elements of best practices identified, incorporating sustainable decision making into procurement practices and improving environment, social and ethical procurement activities
- Development of a Sustainable Procurement Policy will rely upon consultation with City Staff and Council and approval by Council once policy is finalized
- Currently working on the High Impact Procurement Opportunities (HIPO) list which includes vending services, capital projects, catering and food services and office furniture
- Ensuring the policy has measures for evaluation with target goals identified
- By the end of March 2021 the following steps should be completed:
 - Strategy and Action Plan
 - Draft policy
 - HIPO List
 - Tools
- March 2021 to December 2021 will include training and development, piloting, refining and engaging with current and potential suppliers
- Sustainable procurement can act as a catalyst for other objectives including Greenhouse Gas Emissions (GHG), waste reduction, local economy and social values
- Priorities for the policy were identified and include:
 - Environment – GHG emissions, waste reduction and water conservation
 - Social – local employment, supplier diversity and Indigenous reconciliation
 - Ethical – labour standards, fair wage and health and safety
- Six calls to action were proposed and include:
 - Think before buying – choose suppliers who meet the 3 priorities identified in the policy

- Include the right stuff – integrate the most relevant and/or desired sustainability requirements
- Give it some weight – include sustainability as part of the evaluation process
- Talk about it – communicate with suppliers
- Make a public commitment – set targets to monitor progress
- Follow through – incorporate sustainability into all considerations
- A stand alone policy was identified as the best option for the City of Nanaimo (the City) and will fit well into the existing procurement procedures

Committee discussion took place. Highlights included:

- Fair wage, small local suppliers vs. large suppliers and ensuring Staff have a framework to follow that supports each of the priorities
- Revising the wording “waste reduction” to “zero waste” which as a more defined meaning and goal

Tim Reeve, President, Reeve Consulting, and Amanda Chouinard, Consultant, Reeve Consulting, continued thier presentation regarding sustainable procurement. Highlights included:

- Structure bids, to ensure smaller suppliers are being considered, with a focus on mandatory vs. desirable expectations
- Policy document is a communication tool and throughout the process Council will want to ensure that the wording being used is relevant to the goals of the policy in clear language
- Creation of a list of suppliers on a global and local level that provide products ethically and sustainably
- Supporting local economy but also ensuring that sustainable and ethical standards are being met
- Public input and engagement will take place
- Next steps include refining the policy, present draft policy to Council and continuing with program elements
- Suppliers lists with ratings and reviews are starting to become normal practice on a local, provincial and global scale.

Jane Rushton, Manager, Purchasing and Stores advised the Committee that the City does have a fair wage policy, which is embedded in the union contract.

2. Mayor’s Task Force on Recovery and Resilience – Next Steps

Shelley Legin, General Manager, Corporate Services, spoke regarding the final recommendations from the Mayor’s Task Force on Recovery and Resilience, potential for the creation of a Leaders Table and next steps.

Committee discussion took place. Highlights included:

- Ensuring that an arts and culture representative is at the Leaders Table if created
- Duplicating issues with the Health and Housing Task Force and Economic Development Task Force
- Deeper engagement with neighbourhood associations and potential for a youth focused working group

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to prepare for approval, an implementation plan to establish a Mayor's Leaders Table. The plan should address at a minimum, recommended composition of the Table, alternate chairs, Terms of Reference and general positioning within the overall governance framework.

Further, that Council direct Staff to develop an overall plan for a citizen-directed City of Nanaimo community building and reputation strengthening campaign to generate enthusiasm from all citizens to assist in resilience and recovery through positive dialogue and engagement with each other and the world.

The motion carried unanimously.

b. COMMUNITY WELLNESS/LIVABILITY:

1. Bowen Park Trailway and Utility Upgrade

Introduced by Bill Sims, Engineering and Public Works.

Presentation:

1. Chris Lang, Project Engineer, spoke regarding the Bowen Park trailway and utility upgrade. Highlights included:
 - Millstone Trunk Sanitary Sewer was built in 1976 and 1977 and extends from Brannen Lake to the Nanaimo Harbour
 - The trunk sewer is a major City asset that needs upgrading for growth and to maintain high levels of service
 - The Bowen Park utility upgrade will be 1 km in length and the pipe will be upsized from 600mm to 900mm
 - Trail upgrade during the sewer upgrade will include lighting, connections and reduced grades for accessibility
 - Alternative alignment routes were looked at but were dismissed due to cost and environmental impacts
 - Tree preservation studies took place to minimize the impact on trees and roots systems including consultation with the City arborist and project managers
 - Project is expected to start in May 2021 and be completed in September or October of 2021

Committee discussion took place. Highlights included:

- Requested that this item be brought forward to the Advisory Committee on Accessibility and Inclusiveness for feedback
- The total trunk sewer system from Brannen Lake to the Nanaimo Harbour is gravity fed instead of using pumping stations
- Cycling connections

The Governance and Priorities Committee Meeting recessed at 2:56 p.m.
The Governance and Priorities Committee Meeting reconvened at 3:08 p.m.

c. REIMAGINE NANAIMO

1. Water Supply Strategic Plan Update

Introduced by Bill Sims, Engineering and Public Works.

Presentation:

1. Mike Squire, Manager, Water Resources, provided an update regarding the Water Supply Strategic Plan. Highlights included:
 - The current Water Supply Strategic Plan (the Plan) has been in place since 2007 and needs to be upgraded with a focus on looking at risk and how to mitigate those risks
 - The Plan sets out a 50 year vision for the City's drinking water and follows criteria such as population growth, protection of the environment and managing aging infrastructure
 - Updating of the Plan will also include updated community and environment needs and building resilience to climate change
 - Forecasted daily water demand is estimated to increase 24% over the next 50 years from current usage but water usage at this time is comparable to 1999 which shows the success of conversation efforts of Staff and the community
 - Many options were looked at to increase the maximum water storage amount and Jump Creek was decided as the best option due to cost, environmental impact and existing Provincial licencing
 - The project will include increasing the height of Jump Creek by 4 meters to allow for more water storage, which is allowed in the current Provincial licence
 - Schedule of the Plan includes:
 - Review background data (completed)
 - Public outreach
 - Demand management (completed)
 - Regionalization alternatives and regulatory modifications – March 2021
 - Review of water conservation strategies and regional participation – April 2021
 - Alternate water supply source and emergency supply – May 2021
 - Plan implementation – May to September 2021

- Review risk, redundancy and resiliency – April to September 2021

Committee discussion took place. Highlights included:

- Cost savings and increasing the dam height
- Higher elevation storage may be critical in the future
- Incentives for residents to install rain capturing reservoirs on their properties
- Building the Jump Creek reservoir up to the maximum 11 meters instead of the 4 meters planned

Bill Sims, General Manager, Engineering and Public Works, advised the Committee that the installation of a rain and/or grey water collection and recycling system is very expensive for residents. There is a fine balance between conservation vs. revenue needed from water usage and if the upgrades are not completed the City is essentially putting a cap on growth.

2. REIMAGINE NANAIMO – Phase 1 Engagement Status Update

Introduced by Dale Lindsay, General Manager, Development Services.

Presentation:

1. Chris Sholberg, Community Planning, provided a PowerPoint presentation regarding the REIMAGINE NANAIMO status update to 2020-NOV-23. Highlights included:

- Accessible survey launched on the City website and shared directly with Literacy Nanaimo, Multicultural Association, the Advisory Committee on Accessibility and Inclusiveness and others
- 425+ survey received from throughout the community
- Staff continue to meet with a variety of neighbourhood groups and organizations
- As of today 2,189 surveys have been completed, 11 story submissions have been received and 13,000 people have visited the website
- Social media campaign includes 67 Facebook posts, 11,200 Facebook likes/comments, 56 Twitter tweets and 15 entries have been submitted for the Creative Community Contest
- Country Grocer pop-up at Southgate Mall was very successful but the remaining pop-ups have been cancelled due to new COVID-19 restrictions

d. AGENDA PLANNING:

1. 2021 Governance and Priorities Committee Key Date Calendar

Introduced by Sheila Gurrie, Director, Legislative Services.

It was moved and seconded that the Governance and Priorities Committee recommend that Council approve the 2021 Governance and Priorities Committee Key Date Calendar, with meetings held in-person, in the Shaw Auditorium. The motion carried unanimously.

2. Governance and Priorities Committee Agenda Planning

Sheila Gurrie, Director, Legislative Services, advised the Committee that potential future Governance and Priorities Committee agenda items for meetings in 2021 are listed on Page 71 of the original agenda package for today's meetings. Discussion regarding these items will take place at the 2020-DEC-14 Governance and Priorities Committee meeting.

5. ADJOURNMENT:

It was moved and seconded at 4:05 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER

Truth and Reconciliation



“These are our truths”

With great respect and humility, we acknowledge and **honour the lands** of the Snuneymuxw people. The Snuneymuxw people maintain their profound, unique and **spiritual connection to the land** through ageless traditions, teachings, stewardship and expressions of reciprocity.

SPIRIT AND INTENT

- Attachment to Place
- NLPS and SFN Partnership
- Focussing Efforts







Syeyutsus

Reconciliation Framework

The Nanaimo Ladysmith Public Schools strategic plan encompasses the vision and values of the Syeyutsus Reconciliation Framework. The framework will be used as an overarching, foundational principle that will guide the district throughout the life of the plan, irrespective of changes to the plan's goals and objectives.



Te'tuxwtun

Qwam Qwum
Stuwixwulh

Franklin and
Selby Street



WHAT CAN YOU DO?

“The beginning of
wisdom is to call
things by their
“right” name.”

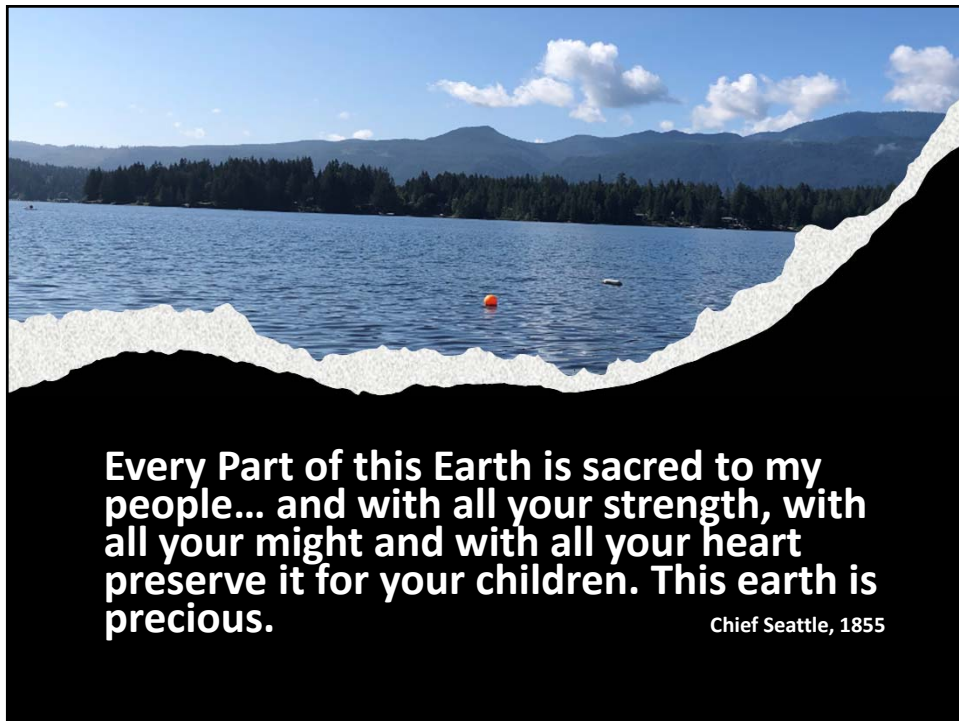
- Learn the name of the territory in which you live. When you go to a new place, learn whose land you are visiting.
- Learn how First Peoples where you live prefer to be identified.
- Read Indigenous authors.
- Share what you have learned. Have a conversation with your family at the dinner table about history, reconciliation and the kind of Canada you want to live in.



reimagine
NANAIMO

Our City, Our Voices.

INVITING OTHERS TO THE TABLE



Every Part of this Earth is sacred to my people... and with all your strength, with all your might and with all your heart preserve it for your children. This earth is precious.

Chief Seattle, 1855

DATE OF MEETING JANUARY 11, 2021

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

SUBJECT ANIMAL RESPONSIBILITY BYLAW – ENGAGEMENT RESULTS

OVERVIEW

Purpose of Report

To provide options for proposed changes to the draft Animal Responsibility Bylaw based on feedback received during the citizen engagement period

Recommendation

That the Governance and Priorities Committee:

1. select a preferred option from the themes as outlined in the staff report;
2. direct staff to incorporate the Committee’s preferred options into the Animal Responsibility Bylaw; and
3. direct staff to forward the revised Animal Responsibility Bylaw to Council for consideration of first three readings.

BACKGROUND

During the November 9, 2020 Governance and Priorities Committee Meeting (GPC), staff gave a presentation and brought forward a report and draft Animal Responsibility Bylaw for the Council’s feedback and discussion. These were based on the Consultant’s Animal Contract Service Review and the SPCA’s Model Bylaw (see links to these reports under Attachment 7).

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 (see Attachment 1).

The bylaw was scheduled to be considered on November 16, 2020; however, when the agenda was published for that meeting, an article was posted to the Nanaimo News Bulletin stating that Council was considering a bylaw that would keep cats from roaming neighbourhoods. Although the proposed Animal Responsibility bylaw had been reviewed previously by Council (during the GPC), had extensive stakeholder consultation, and was publicly available on the City’s website for viewing since November 5, 2020, the article gave rise to several members of the public wanting to have more opportunity to comment on the bylaw prior to it being considered. This prompted Council to delay consideration of the bylaw until members of the public had an opportunity to provide feedback and passed the following resolution:

That readings of the Animal Control Bylaw be delayed until Staff have had the opportunity to post the Draft Bylaw to the City’s Bang the Table platform for three

weeks of public input, create a report on that input for consideration of changes that might be incorporated into the draft Bylaw and bring back to Council for three readings in early January.

DISCUSSION

Prior to activating the engagement site for comments, staff developed a “Frequently Asked Questions” document to assist in clarifying some of the misinformation that was circulating and to address some of the questions/concerns that were being posed to Council and staff (see Attachment 2). This document was then posted on the City’s on-line engagement platform under “Get Involved Nanaimo” along with copies of the Consultant’s report, all staff reports, and the draft bylaw.

During the three weeks that the platform was available for comments (November 19 through December 11, 2020) 18 individuals asked an additional 47 questions. Staff responded to these questions; both the questions and answers are available for viewing on Attachment 3 (pages 4 – 16).

In terms of feedback, the City received comments and suggestions from 444 individuals as follows:

- 247 contributions (from 173 individuals) through “Get Involved Nanaimo.” (see the guest book portion of Attachment 3, pages 17 - 87); and
- 271 emails directed to Mayor and Council (see Attachment 4).

A petition was also established separately by a member of the public through change.org (see page 10 within the emails to Mayor and Council on Attachment 4) requesting that Council reconsider the limit on birds. This petition was accessible through a link within the email and was established prior to the City’s engagement page being activated. Once the City’s site went live, the petition organizer posted a message on the petition page directing citizens to the City’s engagement page.

Of the 444 people who provided feedback, the following major themes emerged:

- Theme 1 - Cats at Large (the most popular topic);
- Theme 2 - Mandatory Identification of Cats;
- Theme 3 - Mandatory Sterilization of Cats;
- Theme 4 - Breed Specific Legislation (BSL) and Aggressive Dog Provisions;
- Theme 5 - Limit on Pets; and
- Theme 6 - The Bylaw in General

Further emails and letters were received after the close of the engagement period. These were forwarded to Council for information but were not included as part of this report given the deadline to input the comments into the staff report had expired.

Staff will be seeking direction from Council on each of the themes noted above so for convenience, each theme will be addressed individually. Within each theme, the rationale for why the provision was included in the draft bylaw will be touched upon, a general synopsis of the feedback received (including highlights from those who were in support and those who were opposed) will be provided, and options for any proposed changes to those specific provisions will be included for consideration.

It should be noted that some members of the public provided the same comments via email to Mayor and Council, as well as the engagement site. While much of the data is qualitative in nature, a certain aspect to the results is also quantitative; therefore, any duplication was taken into consideration when evaluating the overall results.

Theme 1 - Cats at Large:

[Note: As this topic generated the most engagement, it is being explored in the greatest detail.]

Provisions for cats roaming freely relates to the following sections of the draft bylaw:

- Section 41, which states that “*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 premise.*” and
- Section 47, which states that “*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.*”

As outlined in the Consultant’s report, the decision to recommend that these provisions be included in the bylaw were based on research Canada wide (and the UK) and the conclusion from that research was that there is no science behind cats needing to be outside. Currently, Nanaimo has approximately 15,000 cats and when left to roam, there are several negative consequences. These were outlined in staff’s November 9, 2020 report (Attachment 7) and the provisions are supported by the BC SPCA, Nanaimo’s animal control provider, and the Cat Nap Society.

Statistics on Feedback:

392 citizens commented on this section. Of those, 168 (or 43%) were in favour of prohibiting cats at large and 224 (or 57%) were opposed. It is not unexpected that the percentage opposed was higher given that currently there are no regulations in the bylaw related to cats. As a parallel, dogs were not regulated thirty years ago and when regulations were first implemented, there was backlash.

The most commonly referred to reasons for not supporting Sections 41 and 47 included:

- Rodent control (most popular response);
- Not being able to retrain their cat to stay inside or change the cat’s behaviour;
- Belief that the provisions are unenforceable;
- Adding stress to citizens during COVID;
- Cruel to keep a cat indoors – cats have a right to roam free; and
- It is in a cat’s nature to hunt.

The most commonly referred to reasons for supporting inclusion of Sections 41 and 47 included:

- Impact on wildlife, particularly the bird population;
- Health concerns - toxoplasmosis from cat feces is a real health danger for some citizens;
- Cats using private property as a litter box, including those citing concerns with growing food where a cat has defecated;
- Spraying on personal property;
- Concern for the welfare of cats (i.e. too many cats get killed by cars or other wildlife); and
- Being kept awake by cat fights.

In terms of comments by professionals on these specific provisions, Council received a letter from Amy Wilson, Doctor of Veterinary Medicine, on December 11, 2020 (which was also signed by several other scientists and veterinarians that live and study wildlife on Vancouver Island). She cites that *“the feline health, wildlife welfare and conservation, and public health concerns associated with free-roaming cats are so significant that the Canadian Veterinary Medical Association has recommended against free-roaming and encourages municipalities to enact anti-roaming legislation.”*

Concern was also expressed by a Professional Biologist who stated, *“domestic cats cause high rates of mortality and not having such bylaws is a liability to the City under the Provincial Wildlife Act, which prohibits any individual from causing injury or death to wildlife.”*

Reference was also made to the following studies by contributors through the engagement process:

- the Smithsonian Institute’s article “The Moral Cost of Cats”
- “Cat Wars; the Devastating Consequences of a Cuddle Killer”
- Fourth International Partners in Flight Conference “Impacts of Free-Ranging Domestic Cats (*Felis catus*) on birds in the United States”;
- Nature Communications Journal “The impact of free-ranging domestic cats on wildlife of the United States”

General Comments on Feedback:

Many who were opposed to the provisions believed that if the bylaw were adopted, cats would be prohibited from going outdoors completely. Staff made best efforts to clarify the intent of these provisions through the FAQ sheet noting that cats would still be allowed outdoors on one’s own property. Reference was also made to the BC SPCA’s website on tips for ways to provide cats with safe and supervised outside time and how to keep one’s cat happy, healthy and safe indoors.

Another major concern expressed by a number of individuals was that if adopted, the City would be on a campaign to round up cats that were at large and have Bylaw Enforcement Officers check on individual property owners to ensure provisions of the bylaw were being met. This understandably would prompt concern and questions about how the City intended to enforce these provisions. Again, through the engagement page, staff made best efforts to convey that bylaws are only acted on by complaint basis.

Of note, Council has a policy in place (see Attachment 5) that directs staff to only respond to complaints regarding the Animal Control bylaw if the complainant:

- (a) Lives within 100 metres of the residence of the bylaw infraction, or,
- (b) The complainant is directly impacted by the bylaw infraction.

This policy was put in place to avoid receiving frivolous animal control complaints from individuals living within the community that are not impacted by non-adherence to the provisions of the Bylaw. This also ensures that neighbourhoods remain liveable and that the intent of the bylaw is maintained while eliminating the need for the City to respond to potentially frivolous complaints. It is also worth pointing out that the City’s philosophy is to focus enforcement efforts on education and compliance first. Ticketing is used as a last resort only where an owner is unwilling to take steps to comply. Having said that, by not having the provision to prohibit an animal from being on someone else’s property without their permission, there is no recourse for

that property owner. This causes frustration and some citizens have taken matters into their own hands.

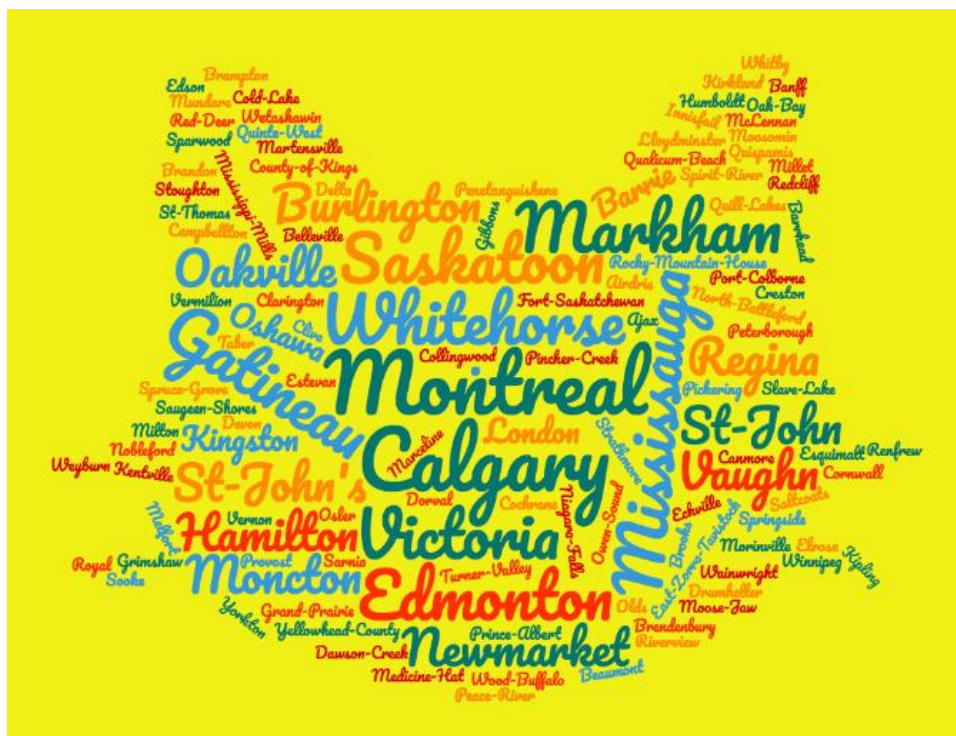
To gauge how often complaints are received about cats, Nanaimo Animal Control conducted a trial log between September 24 and November 7, 2020. During that time there were 20 calls documented over those 6 weeks related to cats averaging 3-4 per week. Of those, roughly 50% were related to nuisance cat complaints and the other 50% related to feral cats. The Pound and Adoption Coordinator stated that this is typical in terms of complaints received regarding cats, which indicates there is a problem.

Of interest, several individuals who were opposed to the provision to prohibit cats at large expressed support for the City dealing with “nuisance cats.” This goes to the very crux of regulatory bylaws as without the provisions being included in the bylaw, the City’s hands are tied and no enforcement is possible, no matter how much of a nuisance a cat may be.

Another strong concern expressed by those who opposed the provisions believed that without outdoor cats, the rat population would explode. Those who support the prohibition suggest that rats would be better controlled through natural predators such as raccoons, owls, falcons, hawks, etc. Healthlink BC has tips for preventing rodents on ones property on its website such as: eliminating food and water sources; eliminating hiding and living places, and pest-proofing ones’ house.

Options for Moving Forward:

The trend in responsible pet ownership is moving towards prohibiting cats from roaming at large and the following cities throughout Canada (as cited on Nature Canada’s website), including larger ones such as Edmonton, Calgary, Saskatoon, several small towns and rural areas, and the neighbouring municipalities of Victoria, Oak Bay, Esquimalt, Duncan, and North Cowichan have all adopted no-roam bylaw provisions for cats:



Based on the research and recommendations provided by the Consultant and stakeholders, and additional feedback received (including that of the professionals such as the Canadian Veterinary Medical Association) staff is including the opportunity to confirm the decision to include the provisions within the bylaw as one of the options. Having said that, the concerns expressed regarding enforcement, even if it is on a complaint basis only, were numerous and staff acknowledge that this would be a significant shift given there have been no regulations, to date, associated with cat ownership.

Through the feedback, some enquired whether existing cats could be grandfathered and the new provisions be applied only to new cats. While the number of pets one currently owns would be grandfathered, roaming cat provisions would be too difficult to grandfather given a kitten today could live approximately 17 years.

One option that Council could consider should it wish to move forward with the provisions, but provide relief to those who are opposed, is to take a phased approach towards enforcement of the impoundment provisions through the implementation of a “Promise to Return” policy similar to what Calgary implemented when they enacted their “no roaming” provisions in their bylaw. Under this type of policy, any owner of a cat that is sterilized and has identification that is impounded would not be fined and the cat returned to the owner free of charge. It is suggested that this could be for two years, or another period of time as determined by Council. This would give owners time to adjust to the new provisions. This would also promote the mandatory sterilization and identification provisions, which would greatly assist in reuniting lost cats with their owners.

Should Council be supportive of the above suggestion staff recommend that the Committee endorse the following:

Option 1:

That the Governance and Priorities Committee re-affirm inclusion of the following two clauses within Animal Responsibility Bylaw 2020 No. 7316:

- Section 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 premise.”* and
- Section 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.”*

And That the Committee support a “Promise to Return” Council policy for a two year period (until December 31, 2022) whereby any seizure and impoundment fees be waived for any cat that is impounded that is sterilized and has identification.

Option 2:

Should Council wish to continue allowing cats to be at-large on public property but provide an avenue to address cats that may become a nuisance on private property, staff recommend that the Committee support Option 2. Under this option, the “Promise to Return” policy would still be apply.

That the Governance and Priorities Committee:

1. re-affirm inclusion of Section 41 within Animal Responsibility Bylaw 2020 No. 7316 which states: *“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 premise”*.
2. direct staff to amend Section 47 by adding the words “cat or” prior to the word Dog; and
3. support a “Promise to Return” Council policy for a two year period (until December 31, 2022) whereby seizure and impoundment fees be waived for any cat that is impounded that is sterilized and has identification.

Option 3:

Should Council wish to continue with the status quo and allow cats to roam at-large on public and private property, staff recommend that the Committee endorse the following recommendation:

That the Governance and Priorities Committee direct staff to:

- amend Section 41 by inserting the words “*except a cat*” after the words “*the Owner of an Animal*”
- amend Section 47 by adding the words “cat or” prior to the word Dog;

Theme 2 – Mandatory Identification of Cats

This section relates to Section 60 which states *“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.”*

Of the 89 citizens who commented on this section, 85 (or 95%) were in favour of the provision and 4 (or 5%) were opposed. Given the enormous support, staff recommend this provision remain in the bylaw and recommend the Committee endorse the following:

Recommendation:

That the Governance and Priorities Committee reaffirm the provision that states: *“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.”*

Theme 3 - Mandatory Sterilization of Cats:

Many citizens who commented on the cat provisions were supportive of mandatory sterilization of cats as outlined in Section 62 (a) which states: *“No person shall own, keep, possess or harbour any Cat apparently over the age of 6 months in the City unless the Cat has been Sterilized by a veterinarian”*.

Of the 102 citizens who commented, 96 (or 94%) were in support of the provision and only 6 (or 6%) were opposed. A couple of those opposed were cat breeders who believed this would affect their business; however, as outlined in Section 62(b) of the bylaw, this provision would not apply to any person who has a valid business licence to breed cats. Given the significant support, staff recommend that provision remain in the bylaw.

To incentivize mandatory sterilization, staff recommend that owners of cats who have had their cat impounded because it wasn't sterilized be reimbursed \$75 upon proof of sterilization within 30 days of the impoundment date. Should Council be supportive of this suggestion, staff recommend the Committee endorse the following:

Recommendation:

That the Governance and Priorities Committee:

- a) reaffirm the provision which states: *“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; and*
- b) Direct staff to add the following provisions within the Fees and Charges bylaw to incentivize mandatory sterilization of cats:

Type of Animal	Description	1 st Offence	2 nd Offence	3 rd and Subsequent Offences
Cat	Sterilized with Adequate Identification	\$10.00	\$25.00	\$50.00
Cat	Sterilized without Adequate Identification	\$25.00	\$50.00	\$75.00
Cat	Unsterilized, regardless of Identification <i>(Note: upon proof of sterilization within 30 days of the impoundment date, the Owner will be refunded \$75.00)</i>	\$100.00	\$125.00	\$150.00

Theme 4 – Breed Specific Legislation (BSL) and Aggressive Dog Provisions

Under the existing bylaw (see Attachment 6), “Restricted Dogs” were defined with specific breeds. These dogs are required to be muzzled while the dog is anywhere other than on lands or premises owned or occupied by the Dog Owner. The new draft bylaw proposes to remove this definition and replace it with a new definition, which reflects the aggressive behaviour of any dog, regardless of breed.

Sixteen people submitted comments specific to BSL; 10 were in support of removing the BSL and 6 opposed. For those opposed, the primary concern was that pit bull breeds tend to be more aggressive than other breeds. However, as noted in the November 9, 2020 staff report, there are no efficient methods to determine a dog’s breed in a way that can withstand a legal challenge and people who want aggressive dogs simply switch to other breeds or select crossbreeds that are difficult to classify. As noted in the paragraph above, any dog (which still include pit bull breeds) if deemed aggressive would all be treated in the same manner.

There were a couple of concerns expressed that there was not an appeal process included for an Owner whose dog has been deemed aggressive by the Poundkeeper. Under Section 84 there is the opportunity for owners to apply for relief from an aggressive dog designation by applying to the Manager of Bylaw Services after 2 years from the designation. There is also an appeal process under Section 30 whereby if an owner is unwilling to comply with the provisions of an Aggressive Dog Owner, prior to the licence being cancelled, the Owner can appeal to the Manager of Bylaw Services who after considering written submissions may confirm, reverse, or amend the decision to cancel the licence.

Other suggestions put forward related to providing incentives through reduced licencing fees, for dogs that are spayed or neutered, and increased licensing fees for dogs that have been deemed aggressive. This was also recommended by the Consultant and supported by Council

at its July 6, 2020 meeting. As the deadline has passed for 2020, the proposed licensing fees would be effective for January 1, 2022. This would also provide the opportunity for notification and education regarding the new licence fees. Currently the licence fee for all dogs (regardless of whether they are spayed or neutered) is \$30.00 and \$25.00 if paid by February 28th.

Recommendation:

That the Governance and Priorities Committee:

1. reaffirm the definition for “Aggressive Dog” as outlined in “Animal Responsibility Bylaw 2020 No. 7316”:

“Aggressive Dog”	<p>means any Dog that meets any one of the following criteria:</p> <ul style="list-style-type: none"> (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 <p>is a Dangerous Dog as defined by Section 49 of the <i>Community Charter</i>.</p>
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AND:

2. direct staff to do a bylaw amendment to reflect the following Dog Licence fees to be effective January 1, 2022:

Dog Licence Fees

Description	Paid by February 28 th	Paid After February 28 th
Sterilized	\$25.00	\$30.00
Unsterilized	\$50.00	\$60.00
Dog Deemed Aggressive	\$75.00	\$90.00
Replacement Licence Tag	\$5.00	\$5.00
Licence Transfer Fee	\$5.00	\$5.00
A Guide Dog or Service Dog certified under the <i>Guide Dog and Service Dog Act</i>		No Charge
A Dog owned and utilized as an R.C.M.P. Service Dog		No Charge

Theme 5 - Limit on Pets

Dogs and Cats:

The bulk of the comments from those opposed to the limit on dogs or cats were from breeders believing that they would be unable to have more than 4 dogs or 5 cats.

As outlined in the FAQ sheet, limits under Companion Animals relate to pets, not to dogs and cats that are sold for profit by breeders. Provisions were added to allow for home based dog breeders (those who breed and sell under 15 dogs per year) so that they can possess more than 4 dogs under the age of 16 weeks and home based cat breeders so they can possess more than 5 cats under the age of 12 weeks. Exemptions have also been included for people who are temporarily fostering animals on behalf of animal rescue organizations such as the BC SPCA.

Commercial dog breeders (those who breed more than 15 dogs per year) are governed under the City's Zoning Bylaw and therefore any changes to that number would need to be done through a zoning amendment. Zoning provisions do not apply to commercial cat breeders; however, in all instances, any breeder who sells animals for a profit must have a valid business licence.

Other concerns expressed for those opposed to the limit included the belief that they would have to give up some of their existing pets and that the City should only go after animal hoarders, not the average pet owner. As cited earlier in the report, the City would not expect owners to surrender any pets one has prior to the bylaw being adopted but without provisions for limits being included, enforcement for hoarding could not be enforced.

Many citizens also expressed support for limits on pets citing noise, smell, and standards of care from those having too many animals as the main reasons for wanting to see limits.

Birds:

The City received concerns from a number of owners of small flock birds (i.e. finches, canaries, and budgies) citing that the limit of 4 is challenging given that flock birds do better in groups, rather than in small numbers.

Staff followed up with a member of the Vancouver Island Bird Club who has kept birds for over 40 years and studied Ornithology/Biology. She advised that small flock birds thrive better in flocks vs. larger hook billed birds (such as parrots) who bond with their owners and don't need to live in flocks.

To alleviate the concerns of those who currently have aviaries with a number of small flock birds, staff confirmed the number of birds they currently own would be grandfathered. Staff asked what she and her fellow members believed would be an appropriate number going forward while balancing the City's need to ensure there are provisions included in the bylaw to address hoarding situations should they arise. She stated that 12 would be an acceptable number for small flock birds and 4 for larger hook billed birds. The SPCA and Nanaimo Animal Control confirmed their support to increase these numbers.

Small Rodents:

A couple of comments were submitted from those who believed that 4 was also low for small rodents as they too do better in pairs or small groups. Although the BC SPCA has encountered

challenges with hoarding situations related to rodents, both the BC SPCA and Nanaimo Animal Control were supportive of increasing that number to 12 as well for small domestic mice, rats, gerbils, and hamsters.

Reptiles:

Questions arose regarding the provisions for reptiles. While reptiles are defined within the bylaw (provided they are not on the “Prohibited Animal” list) limits were not initially identified and should be included within the allowable number of animals similar to that of neighbouring jurisdictions. As a housekeeping matter, the word “crocodiles” will be removed from the definition of “Reptiles” as they already fall under the definition of a “Prohibited Animal”.

Fish:

One comment was received asking why fish were not mentioned under pet limits. Keeping fish as pets does not appear to be an issue and it is not uncommon for individuals to have several fish in a tank. In doing a review of other bylaws, fish were not mentioned and therefore for the purposes of this bylaw, limits were not included.

Recommendation:

That the Governance and Priorities Committee direct staff to replace Sections 6, 7, 8, and 9 of the Bylaw (Limits on Pets) and replace with the following:

Limits on Animals

6. Unless expressly permitted by this Bylaw, no Person shall keep, on any Property, more than 12 Animals.
7. No Person shall keep, on any Property, more than:
 - (a) 12 Small Flock Birds, domestic mice, domestic rats, gerbils, or hamsters, or combination thereof;
 - (b) 4 Hook Bill Birds, chinchillas, domestic ferrets, hedgehogs, Rabbits, sugar gliders, or combination thereof;
 - (c) 6 guinea pigs or Reptiles, or combination thereof.
8. 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.
- 9.1 No Person shall keep, on any Property, more than:
 - (a) 4 Dogs over the age of 16 weeks; or
 - (b) 5 Cats over the age of 12 weeks; or
 - (c) 6 Companion Animals.
- 9.2 Notwithstanding Section 9.1, 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.

- 9.3 Notwithstanding Section 9.1, 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.
- 9.4 The limits on Animals 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;
 - (d) the keeping of Livestock or Poultry on a Property on which agriculture is a permitted use pursuant to the applicable zoning bylaw.

Theme 6 - Bylaw in General:

There were 95 submissions with people either citing “support for the bylaw in general” or “opposed to the bylaw in general” Of those, 59 (or 62%) were in favour and 36 (or 38%) opposed.

One individual requested several wording changes to the bylaw both via email to Mayor and Council as well as through the “Get Involved Nanaimo” site. The identical suggestions were then submitted a third time, through a letter addressed to Mayor and Council after the deadline passed to receive engagement submissions. The requests for changes to the wording of the bylaw were considered; however, bylaw provisions cannot be drafted to suit the needs of an individual or specialized group. A bylaw is a piece of legislation that is developed based on best practices and in ways that are enforceable by those who have backgrounds in policy drafting. The bylaw also underwent an extensive review by the municipal solicitor, who is familiar with how bylaw provisions should be worded so that they can withstand a legal challenge. Having said this, and as previously noted in the November 9, 2020 staff report, the bylaw is a living document and any issues that may arise in the future can certainly be brought forward to Council for amendments in the future.

Next Steps:

Once the Committee has provided direction on each of the themes above, staff will make the required changes to the bylaw, ensure the Municipal Solicitor reviews any changes, and then forward the revised bylaw to Council for consideration of first three readings.

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

- On July 6, 2020, Council supported the Consultant’s recommendation 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 bylaw to Council for consideration of first three readings.
- When the agenda was advertised for the November 16, 2020 Council meeting, Council received several requests from members of the public asking for a further opportunity to provide feedback on the bylaw.
- An engagement opportunity was provided on the City’s on-line platform under “Get Involved Nanaimo” during November 19 – December 11, 2020.
- During the engagement period, 444 members of the public provided feedback.
- The results of the public feedback and options for changes to the bylaw based on themes from that feedback is before the Committee for consideration.
- Once the Committee has selected its preferred options, the bylaw will be forwarded to Council for consideration of first three readings.

ATTACHMENTS:

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

Attachment 2 - Q & A Sheet – Animal Responsibility Bylaw

Attachment 3 - Project Detailed Report – On-Line Engagement Responses

Attachment 4 - Emails to Mayor and Council

Attachment 5 - Council Policy – Enforcement of the Animal Control Bylaw

Attachment 6 - Existing “Licencing and Control of Animals Bylaw 1995 No. 4923”

Attachment 7 – Links to Previous Staff Reports, Consultant Report and SPCA Model Animal Responsibility Bylaw Reference Guide

Submitted by:

Karen Robertson
Deputy City Clerk

Concurrence by:

Sheila Gurrie
Director of Legislative Services

Attachment 1

CITY OF NANAIMO

BYLAW NO. 7316

ANIMAL RESPONSIBILITY BYLAW

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

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SCHEDULE A – AGGRESSIVE DOG SIGNAGE

SCHEDULE B – DESIGNATED OFF-LEASH DOG AREAS

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> .
“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	means a Person appointed by the City to the position of Bylaw

“Officer”	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

	<p>address, and telephone number of the Owner;</p> <p>(b) A tattoo or traceable microchip that leads to the name, current address, and telephone number of the Owner; or</p> <p>(c) A valid licence tag issued by a local government in Canada.</p>
"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"	<p>means, any Person</p> <p>(a) to whom a licence for a Dog has been issued pursuant to this Bylaw;</p> <p>(b) who owns, is in possession of, or has the care or control of any Animal; or</p> <p>(c) who harbours, shelters, permits or allows any Animal to remain on or about the Owner's land or premises.</p>
"Person"	means a natural or legal Person.
"Prohibited Animal"	<p>means:</p> <p>(a) controlled alien species as defined by the Controlled Alien Species Regulation, BC Reg. 94/2009; and</p> <p>(b) wildlife species identified in Schedule "B" or "C" to the Designation and Exemption Regulation, BC Reg. 168/90, except Feral Rabbits.</p>
"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 8 – 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 unduly disturbs the peace, quiet, rest, comfort or tranquility of the surrounding neighbourhood or vicinity, or of Persons in the neighbourhood or vicinity;
 - (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* (racoons);
 - (c) *Sciurus* (squirrels);
 - (d) Feral Rabbits; or
 - (e) bears, coyotes, cougars, wolves, or other Animals designated as dangerous wildlife under the *Wildlife Act*, RSBC 1996, c. 488.

PART 9 – 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.

PART 10 – PENALTIES AND ENFORCEMENT

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.

PART 11 – 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

118. “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

Attachment 2

 <p>CITY OF NANAIMO THE HARBOUR CITY</p>	<h2>Question & Answer Sheet</h2>	<h2>ANIMAL RESPONSIBILITY BYLAW NO. 7136</h2>
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November 19, 2020

Overview To provide information on the proposed draft Animal Responsibility Bylaw that includes provisions for animal welfare, control, and duties of animal as outlined in the Animal Control Service Review and to respond to commonly asked questions about the proposed bylaw.

What was the impetus for the new bylaw? The contract with the existing animal contractor recently expired. This presented the opportunity to do a comprehensive review of the service delivery model as it has not been done in several years.

In December 2019, Allan Neilson, of Neilson Strategies, was retained by the City to conduct the review. 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 for moving forward.

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.

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 endorsed by Council was to have staff prepare a modernized Licensing and Control of Animals Bylaw to incorporate the recommendations of the service review which included:

- emphasizing the importance of responsible pet ownership;
- 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 practises on tethering, and add additional standards of care (e.g. prohibitions against forcing dogs to run, while leashed to bicycles);
- requiring 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;
- requiring every cat that is permitted to go outside be spayed or neutered; and
- prohibiting 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.

A draft bylaw when then prepared and stakeholder organizations who were affected by the bylaw were invited to provide feedback on the draft. Suggestions were compiled, feedback incorporated, and then forwarded to the Municipal Solicitor for review. The bylaw was then presented to Council for feedback at the November 9, 2020 Governance and Priorities Committee of which a motion was passed to forward the draft bylaw to Council, for consideration of first 3 readings.

Although stakeholder organizations that were affected by the bylaw were consulted, and a thorough staff review conducted, on November 14, 2020, the Nanaimo Bulletin printed an article that contained an error. This, coupled with other misinformation that was being shared City-wide, and the strong desire by members of the public to have an opportunity to

comment on the bylaw, Council was prompted to delay consideration of the bylaw until members of the public had an opportunity to provide feedback. The intent of this document is to respond to the most commonly asked questions and concerns expressed to date.

**Questions
Received
on Pet
Limits
Generally**

Why does the bylaw propose a limit on the number of pets I can have?

The existing bylaw has no limit to the number of pets one can have and this has led to hoarding issues. It is recognized that the number of animals that one household can provide care for is always going to be subjective. 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 in how many animals for whom it is possible to provide adequate care. The goal was to find an acceptable limit that allows for enforcement in hoarding situations, while not penalizing the average owner.

How was the number of pets determined?

To determine an appropriate number, several municipal bylaws that have limits on pets were reviewed. Based on those bylaws, a recommendation was put forward 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).

In addition to the 6 Companion Animals, under the proposed bylaw each property owner could also have up to 4 small animals (such as hamsters, gerbils, guinea pigs and small birds). This means that each property owner has the potential to own 10 pets.

Are there exceptions to the number of pets I can have?

Yes. Exemptions are provided in the following instances:

- people who are temporarily fostering animals on behalf of animal rescue organizations such as the BC SPCA are exempt from the limit, subject to notifying the Poundkeeper of the number and species of the dogs or cats, and the estimated length of time they will be providing care.
- Home based dog breeders (those who breed and sell under 15 dogs per year) can possess more than 4 dogs under the age of 16 weeks.
- Home based cat breeders can possess more than 5 cats under the age of 12 weeks.
- 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.

What happens if I currently have more than the allotted number of pets?

Residents who may have more than the allotted number of pets prior to adoption of the bylaw would be grandfathered. They would, however, not be permitted to replace the animal once it passes away, or is given away, until the conditions of the bylaw are met.

**Questions
Related to
Dog
Provisions**

How will the limit on the number of dogs affect me as a dog breeder?

The existing "Licencing and Control of Animals Bylaw" did not authorize or govern home based dog breeders. Under the new Animal Responsibility Bylaw, provisions have been added to allow those who breed and sell under 15 dogs per year to possess more than 4 dogs under the age of 16 weeks.

Commercial dog breeders (those that breed and sell more than 15 dogs per year) are governed under the City's Zoning Bylaw. The Zoning Bylaw prohibits commercial dog breeding as a home based business use.

All dog breeders (home-based and commercial) must possess a valid business licence to operate in the City of Nanaimo.

Are boarding kennels affected by this bylaw?

No. Boarding kennels for dogs and cats, including accessory office, retail sale, grooming, training, and daycare facilities are governed under the City's Zoning bylaw.

Are dog agility shows considered an exhibition and no longer allowed?

Exhibitions, parades or performances involving horses, ponies, dog, displays or showing of animals in agricultural fairs or pet shows, or magic acts are still allowed provided that the exhibition, parade or performance in no way causes an animal to be treated in an inhumane manner.

Am I mandatorily required to sterilize my dog under the proposed bylaw?

No, there are no provisions in the proposed bylaw that require an owner to sterilize their dog.

**Questions
Related to
Cat
Provisions**

What is the rationale for prohibiting cats from roaming outdoors?

Under the proposed bylaw, cats are still allowed outdoors; however, they would not be allowed to be on another person's property. Without a provision in a bylaw to prohibit this, there is no recourse for a property owner who is dealing with a nuisance cat that may be harassing their own animals, digging in their garden, using their yard as a litter box, spraying, or preying on songbirds in their yard. This has been the subject of many complaints to Nanaimo Animal Control and to Council.

Indoor vs. outdoor is about weighing the risks for your cat. Statistically, outdoor cats have shorter lifespans and are frequently exposed to more dangers than their indoor counterparts. Outdoor cats also contribute to declining bird populations and pose a risk for wildlife in our community.

The BC SPCA's website offers many tips on ways to provide cats with safe and supervised outside time while still adhering to the proposed bylaw as well as tips on keeping one's cat happy, healthy and safe indoors.

How will cats at large be enforced?

Most municipalities that have cat regulations enforce them reactively, on a complaint basis. Animal Control Officers do not patrol for cats at large or impound cats on a proactive basis. Typically the bylaws are enforced as a result of two types of complaints:

1. A resident is frustrated by a neighbourhood cat coming onto their property and digging in the garden, killing birds at their feeder, or attacking them or their pets. In these situations, if an owner can be identified, the trespassing sections can be enforced through ticketing.
2. A resident is concerned about the welfare of a cat that they suspect is stray, lost or abandoned, or appears to be sick or injured. In this case, the cat can be impounded and posted as found to first try to reunite with its owner. If no owner is found, it will be spayed or neutered, affixed with permanent identification and put up for adoption to an indoor-only home.

Nanaimo Animal Control receives hundreds of calls from residents every week and both the above concerns are very common. Without bylaws in place, frustrated residents are left to take matters into their own hands, which causes neighbourhood conflict and missing cats. The concerned residents are dismayed at the lack of resources available for lost, stray, or abandoned cats.

Why can't I feed feral cats?

Feeding feral cats can attract owned cats (those that have a guardian who provides food for them) as well as unwanted wildlife. It also won't help them in the long run, especially if they are in poor conditions or plagued with parasites. They also breed prolifically when a group of them has access to a food source and the continued growth of these groups without any intervention can put public safety and wildlife at risk. If the population grows too large and they stop getting fed, they will starve.

There are exemptions for feeding of feral cats for those who are registered with the Cat Nap Society and in these instances care is taken to ensure that cats released back into the community, once sterilized, have regular access to food and water.

What if I stop feeding stray cats, will they starve and die?

If you have a stray cat that is visiting you and appears to be skinny, sick or injured, rather than continuing to feed it, contact Nanaimo Animal Control, the BC SPCA, or the Cat Nap Society. Then it can see a vet, be treated, and if it can't be reunited with, or has no owner, can be rehomed rather than living hungry and fending for itself.

Am I mandatorily required to sterilize my cat under the proposed bylaw?

Yes. The majority of the animals that the BC SPCA takes in are either strays or unwanted litters of cats. Through comprehensive and wide ranging spay/neuter initiatives, the population of unwanted cats in BC has declined significantly. In 7 years, one unspayed female cat and her offspring can produce 420,000 cats. For animal control officers and organizations such as the Can Nap Society, addressing issues surrounding unfixed cats are not only costly – taking away from other City services and programs – but also causes distress and an unsustainable workload for employees.

The BC 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.

Exemptions are provided for cat breeders who hold a valid business licence.

Questions regarding birds and small animals

Are there limits on birds and other small animals?

Under the proposed bylaw, a limit of 4 birds (under the definition of a small animal) is proposed, in addition to 6 companion animals. The goal was to find an acceptable limit that allows for enforcement in hoarding situations, while not penalizing the average owner. Residents who may have more than the allotted number of birds and other small animals as pets prior to adoption of the bylaw would be grandfathered. They would, however, not be permitted to replace the excess number of birds or small animals until the conditions of the bylaw are met.

Next Steps:

Public feedback on the proposed bylaw will be taken between November 19 – December 11, 2020. Please submit comments to <https://www.getinvolvednanaimo.ca/animals-in-nanaimo>. Once the public engagement period has concluded, the feedback will be compiled and submitted as part of a report to Council in early January, 2021 for their consideration.

Attachment 3

Link to online engagement responses.

<https://www.nanaimo.ca/docs/your-government/boards-and-committees/attachment-3---project-detailed-report---on-line-engagement-responses.pdf>

Attachment 4

Link to emails sent to Mayor and Council.

<https://www.nanaimo.ca/docs/your-government/boards-and-committees/attachment-4---emails-to-mayor-and-council.pdf>



CITY OF NANAIMO

COUNCIL POLICY MANUAL

Pages: 1 of 1
Approval Date: 2000-FEB-21

SECTION: COMMUNITY DEVELOPMENT
SUBJECT: Enforcement of the Animal Control Bylaw

Staff directed to respond to complaints regarding the "LICENSING AND CONTROL OF ANIMALS BYLAW 1995 NO. 4923" only if the complainants:

- (a) live within 100 metres of the residence of the bylaw infraction, or,
- (b) the complainant is directly impacted by the bylaw infraction.

(Note: Refer to: LICENSING AND CONTROL OF ANIMALS BYLAW AMENDMENT BYLAW 2000 NO. 5431")

Previous Revision/s: None

Attachment 6

“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 vertebrates 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)	means a domesticated animal normally raised or kept for food, milk or as a beast of burden and, without limiting the foregoing, includes: <table border="0" style="margin-left: 40px;"> <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 style="margin-left: 40px;">but specifically excludes dogs or cats.</p>	cattle	mules	donkeys	oxen	goats	sheep	horses	swine
cattle	mules	donkeys	oxen						
goats	sheep	horses	swine						
"Peace Officer" (Bylaw 4923.07)	means a bylaw enforcement officer or person appointed from time to time by resolution of the City of Nanaimo or an RCMP officer.								
"Poultry"	means a domestic fowl, a duck, a goose, a turkey, a pigeon, etc.								
"Pound"	means premises used by the Poundkeeper to harbour and maintain Animals pursuant to this Bylaw or any vehicle used by the Poundkeeper.								
"Poundkeeper" (Bylaw No. 4923.10)	means the person appointed as Poundkeeper by Council and any person or persons appointed from time to time by Council for the purpose of administering, enforcing and carrying out the provisions of this Bylaw								
"Rabbit"	means a burrowing gregarious herbivorous mammal of the hare family.								
"Restricted Dog"	means: <ol 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"	means a Dog which <ol 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 (Bylaw 4923.07)	10	100.00
Keep cat suffering from infectious disease	11(1)	100.00

Attachment 7

Link to November 9, 2020 Staff Report by Karen Robertson, Deputy City Clerk Re: Animal Responsibility Bylaw

<https://pub-nanaimo.escribemeetings.com/filestream.ashx?DocumentId=32339>

Link to the Recommendations put forward by the Consultant that were endorsed by the Governance and Priorities Committee on November 9, 2020

<https://pub-nanaimo.escribemeetings.com/filestream.ashx?DocumentId=32353>

Link to the BC SPCA's Model Animal Responsibility Bylaw

<https://pub-nanaimo.escribemeetings.com/filestream.ashx?DocumentId=32354>



Link to the July 6, 2020 Staff Report by David Laberge, Manager, Bylaw Services Re: Animal Control Service Contract Renewal

<https://pub-nanaimo.escribemeetings.com/filestream.ashx?DocumentId=30379>

Link to the Animal Control Service Review report by Allan Neilson of Neilson Strategies Inc.

<https://pub-nanaimo.escribemeetings.com/filestream.ashx?DocumentId=30380>

CITY OF NANAIMO
THE HARBOUR CITY

Animal Responsibility Bylaw – Engagement Results
Presented by: Karen Robertson, Deputy City Clerk

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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 which included:

- Identifying service-related issues;
- Researching best practices and experience in other jurisdictions; and
- Providing recommendations for the City to consider.

At the June 8, 2020 Council meeting, Mr. Neilson presented his findings which included a recommendation to have staff prepare amendments to the bylaw that focused on the importance of responsible pet ownership.

At the July 6, 2020 Council meeting, Council formally endorsed the recommendations.

Background Cont:

Provisions to be included in the new bylaw:

- Removing reference to “Restricted Dogs”
- Changing “Vicious Dog” to “Aggressive Dog”
- Modernizing sections to reflect current best practices on standards of care
- Implementing mandatory identification for cats
- Requiring mandatory sterilization for outdoor cats
- Prohibiting cats from running at large in a public place or another person’s property

Model Bylaws

As recommended by the Consultant, the following bylaws, were used as guides for provisions associated with responsible pet ownership:

- SPCA Model Bylaw;
- City of Victoria
- Township of Esquimalt
- District of North Cowichan;
- City of Duncan;
- And other neighbouring municipalities.

Consultation/Engagement Process

The following stakeholders provided feedback on aspects of the draft bylaw:

- SPCA (for the SPCA Model Bylaw)
- Nanaimo Animal Control (for enforcement provisions)
- Cat Nap Society (for provisions related to cats at large)
- Lynn Devries, experienced beekeeper (for beekeeping terminology)
- Several staff from various departments (Bylaw Enforcement, Development Services, and Finance)

Engagement Process

- A “Frequently Asked Questions” sheet was prepared
- An on-line engagement platform was made available between November 19 - December 11, 2020 under “Get Involved Nanaimo”
- During the engagement period, 444 individuals provided feedback as follows:
 - 247 through “Get Involved Nanaimo”
 - 271 emails to Mayor and Council

Themes

- Theme 1 – Cats at Large (most popular topic)
- Theme 2 – Mandatory Identification of Cats
- Theme 3 – Mandatory Sterilization of Cats
- Theme 4 – Breed Specific Legislation (BSL) and Aggressive Dog Provisions.
- Theme 5 – Pet Limits
- Theme 6 – Bylaw in General

Theme 1 – Cats at Large

Provisions for cats roaming freely relates to the following sections of the draft bylaw:

- Section 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 premise.”
- Section 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.”

Those Opposed to Sections 41 and 47

The most commonly referred to reasons for not supporting the provisions include:

- concerns with rodent control;
- not being able to retrain their cat to stay inside;
- the provisions are unenforceable;
- adding stress to citizens during COVID;
- it is cruel to keep a cat indoors; and
- it is in a cat's nature to hunt.

Those In Favour of Sections 41 and 47

The most commonly referred to reasons for supporting the provisions include:

- impact on wildlife, particularly the bird population;
- health concerns - toxoplasmosis from cat feces is a real health danger for some citizens;
- cats using private property as a litter box, including those citing concerns with growing food where a cat has defecated;
- spraying on personal property;
- concern for the welfare of cat (too many cats getting killed by cars or other wildlife); and
- being kept awake by cat fights.

Option 1 - Rationale

- The trend in responsible pet ownership is moving towards prohibiting cats from roaming at large.
- Several cities such as Edmonton, Calgary, Saskatoon, as well as several small towns and rural areas, and the neighbouring municipalities of Victoria, Oak Bay, Esquimalt, Duncan and North Cowichan have adopted no roaming provisions.
- Based on the research and recommendations provided by the Consultant, stakeholders, and professionals such as the Canadian Veterinary Medical Association, staff is including (as one of the options for Council to consider) to re-affirm retaining Sections 41 and 47 in the bylaw.

Option 1 Rationale Cont.

Phased In Approach to Enforcement

- Implementation of a “Promise to Return” policy similar to what Calgary implemented when they enacted “no roaming” provisions in their bylaw.
- Owners of cats that may get impounded (that are sterilized and have identification) would not be subject to a fine and the cat returned to the owner free of charge.
- Policy could be in place for a period of 2 years, or another period of time as determined by Council.
- The “Promise to Return” policy would incentivize the mandatory sterilization and cat identification provisions.

Option 2 - Rationale:

- Cats would be allowed to roam freely on public property.
- Cats would be prohibited from being a nuisance on private property.
- “Promise to Return” would still be recommended.

Option 3 – Rationale:

- Cats would continue to be allowed to roam freely both on public and private property.

Theme 1 – Cats at Large (Council to select its preferred option)

Option 1:

That the Governance and Priorities Committee re-affirm inclusion of the following two clauses within Animal Responsibility Bylaw 2020 No. 7316:

- Section 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 premise.”*
and
- Section 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.”*

And That the Committee support a “Promise to Return” Council policy for a two year period (until December 31, 2022) whereby any seizure and impoundment fees be waived for any cat that is impounded that is sterilized and has identification.

OR

Option 2:

That the Governance and Priorities Committee:

1. Re-affirm inclusion of Section 41 within Animal Responsibility Bylaw 2020 No. 7316 which states: *“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 premise.”*
2. Direct staff to amend Section 47 by adding the words “cat or” prior to the word Dog; and
3. Support a “Promise to Return” Council policy for a two year period (until December 31, 2022) whereby seizure and impoundment fees be waived for any cat that is impounded that is sterilized and has identification.

OR

Option 3:

That the Governance and Priorities Committee direct staff to:

- Amend Section 41 by inserting the words *“except a cat”* after the words *“the Owner of an Animal”*
- Amend Section 47 by adding the words “cat or” prior to the word Dog.

Theme 2 – Mandatory Identification of Cats

- 89 citizens commented on this section
- 95% supported the provision and 5% were opposed.
- Based on the high level of support, staff recommend this provision remain in the bylaw and recommend the Committee endorse the following recommendation:

Recommendation:



That the Governance and Priorities Committee reaffirm the provision that states: *“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.”*

Theme 3 - Mandatory Sterilization for Cats

- 102 citizens commented on this provision
- 94% supported the provision; 6% were opposed
- Based on the high level of support, staff recommend that the provision that states that all owners of cats (over the age of 6 months) must have their cat sterilized remain in the bylaw.
- Cat breeders would be exempt.
- To further incentivize mandatory sterilization, staff recommend that fines be reduced upon proof of sterilization.

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Theme 3 – Mandatory Sterilization of Cats

Recommendation:
That the Governance and Priorities Committee:

- a) Reaffirm the provision which states “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; and
- b) Direct staff to add the following fee provisions within the Fees and Charges bylaw to incentivize mandatory sterilization of cats:

Type of Animal	Description	1 st Offence	2 nd Offence	3 rd and Subsequent Offences
Cat	Sterilized with Adequate Identification	\$10.00	\$25.00	\$50.00
Cat	Sterilized without Adequate Identification	\$25.00	\$50.00	\$75.00
Cat	Unsterilized, regardless of Identification	\$100.00	\$125.00	\$150.00
<p>(Note: upon proof of sterilization within 30 days of the impoundment date, the Owner will be refunded \$75.00)</p>				

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Theme 4 – BSL & Aggressive Dog Provisions

Under the existing bylaw, “Restricted Dogs” include the following specific breeds:

- (a) A Pit Bull Terrier, an American Pit Bill 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).

- Restricted Dogs are required to be muzzled while the dog is anywhere other than on lands owned by the Owner.
- The new bylaw proposes to remove this definition and replace it with a new definition which reflects the aggressive behaviour of any dog, regardless of breed.
- 16 people commented on the BSL provisions; 10 were in support and 6 opposed.
- Other suggestions included increased licence fees for dogs deemed aggressive and reduced licence fees for dogs that are spayed or neutered.

Theme 4 – BSL & Aggressive Dog Provisions

Recommendation:
That the Governance and Priorities Committee:

- Reaffirm the definition for “Aggressive Dog” as outlined in “Animal Responsibility Bylaw 2020 No. 7316”:

“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 Community Charter.

- Direct staff to do a bylaw amendment to reflect the following Dog Licence fees to be effective January 1, 2022:

Description	Paid by February 28 th	Paid After February 28 th
Sterilized	\$25.00	\$30.00
Unsterilized	\$50.00	\$60.00
Dog Deemed Aggressive	\$75.00	\$90.00
Replacement Licence Tag	\$5.00	\$5.00
Licence Transfer Fee	\$5.00	\$5.00
A Guide Dog or Service Dog certified under the Guide Dog and Service Dog Act		No Charge
A Dog owned and utilized as an R.C.M.P. Service Dog		No Charge

Theme 5 – Limit on Pets

- A total of 41 responses were received from individuals stating they were either in favour of pet limits or opposed.
- 63% opposed pet limits; 37% were in favour.
- A link to a petition that opposed the limit on flock birds to 4 (through the Small Animal definition) was emailed to Mayor and Council.

Theme 5 – Limit on Pets

- Comments/questions about pet limits were also referenced in comments on other topics. For ease of reading, the information was broken out by animal groupings in the staff report:
 - Dogs and Cats
 - Birds (more specifically flock birds)
 - Small Rodents
 - Reptiles
 - Fish
- Based on the feedback received, staff put forward a proposed increase to the total number of pets, with parameters, as outlined within the staff recommendation.

Theme 5 – Limit on Pets

Recommendation:

That the Governance and Priorities Committee direct staff to replace Sections 6, 7, 8, and 9 of the Bylaw (Limits on Pets) and replace with the following:

6. Unless expressly permitted by this Bylaw, no Person shall keep, on any Property, more than 12 Animals.
7. No Person shall keep, on any Property, more than:
 - (a) 12 Small Flock Birds, domestic mice, domestic rats, gerbils, or hamster, or combination thereof;
 - (b) 4 Hook Bill Birds, chinchillas, domestic ferrets, hedgehogs, Rabbits, sugar gliders, or combination thereof;
 - (c) 6 guinea pigs or Reptiles, or combination thereof.
8. A Person who is a member of a certified pigeon racing club may keep up to a maximum of fifty (5) racing pigeons on any parcel of land over .4 hectares.
- 9.1 No Person shall keep, on any Property, more than:
 - (a) 4 Dogs over the age of 16 weeks; or
 - (b) 5 Cats over the age of 12 weeks; or
 - (c) 6 Companion Animals.
- 9.2 Notwithstanding Section 9.1, 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 an estimated length of time they will be providing care.
- 9.3 Notwithstanding Section 9.1, 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.
- 9.4 The limits on Animals 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;
 - (d) the keeping of Livestock or Poultry on a Property on which agriculture is a permitted use pursuant to the applicable zoning bylaw.

Theme 6 – Bylaw in General

- There were 95 submissions received either citing “support for the bylaw in general” or “opposed to the bylaw in general.”
- 62% were in favour; 38% were opposed.
- Suggestions were also received asking for changes to the wording of the bylaw. The suggestions were considered but not incorporated as they either benefitted a specific group or were not developed based on best practices or in ways that would be enforceable.
- No further changes to the bylaw are being put forward for consideration outside of those outlined in Themes 1 through 5.

Recommendation:

That the Governance and Priorities Committee:

1. direct staff to incorporate the Committee's preferred options into the Animal Responsibility Bylaw; and
2. direct staff to forward the revised Animal Responsibility Bylaw to Council for consideration of first three readings.

Next Steps

- Once the bylaw receives its first three readings, it will be referred to the Minister for approval.
- Associated Fee and Fine Schedule Bylaws will be developed and introduced in conjunction with adoption of the bylaw.
- Upon adoption, a press release and a FAQ sheet on the changes will be distributed.

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REIMAGINE NANAIMO

Update on Active Transportation Planning



A photograph showing a person's feet on a bicycle next to a blue stencil on the ground that reads "reimagine NANAIMO". The stencil features a sunburst graphic above the text.

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Bringing all the pieces together



A central graphic titled "Looking Forward" by Sebastian Abboud, surrounded by arrows pointing towards it from the text: "How we Live", "How we Move", "How we Work", "How we Adapt and Stay Green", "How we Connect and Play", and "How we Care".

LOOKING FORWARD


"Looking Forward" by Sebastian Abboud



reimagine
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How we (want to) move



2x 5x 5x

What do we need to do to get here?

How do we prioritize?



Why an Active Transportation Plan?

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Collaborative Engagement



What have we done so far?

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Focus on Accessibility, Inclusion & Equity



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What have we done so far?

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Background Research



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What have we done so far?

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- Secure end of trip facilities needed
- Safety for all ages and abilities is paramount
- Plan for a diverse and well integrated transportation system
- Prioritize funding sustainable transportation options
- Address user conflicts
- Gaps in network should be addressed
- Integrate accessibility and inclusion into all facets of our work
- Active Transportation is a key part of reaching our climate action targets
- Being active outdoors improves mental and physical health

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What are we learning?

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- Our prioritization and treatment selection processes measure up well compared to other jurisdictions and best practices
- Complete streets standards will be a game changer
- Piecemeal approach to network completion can be frustrating, but is understandable (and working!)

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NANAIMO

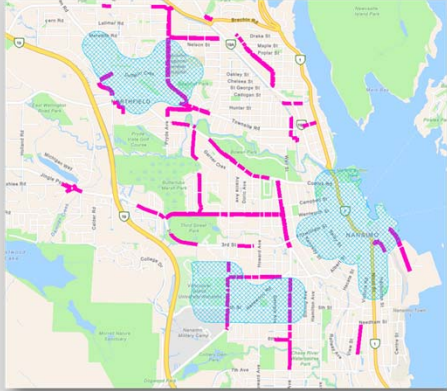
What are we learning?

CITY OF NANAIMO
THE HARBOUR CITY

2014 NTMP Short Term Cycling Network



Current Improved Cycling Corridors


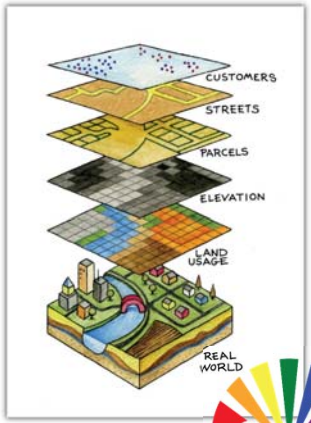


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What are we learning?

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Data Analysis



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Phase 1
Engagement
Summary

coming soon!

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Where are we going next?

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Big Questions for Phase 2 NTMP Check In

The Transportation Vision

- Safety
- Mobility
- Accessibility
- Connectivity
- Sustainability
- Affordability

Medium-Long Term Bicycle Network Plan

Nanaimo Transportation Master Plan

Routing of the E&N Trail through Downtown not yet determined.

Downtown

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Where are we going next?

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Big Questions for Phase 2 Prioritizing our Investments

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Where are we going next?

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THE HARBOUR CITY



Active & Safe
ROUTES TO SCHOOL

CITY OF NANAIMO
HASTe
NANAIMO LADYSMITH
PUBLIC SCHOOLS

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NANAIMO

Where are we going next?

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THE HARBOUR CITY

Thank you!

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NANAIMO

Governance and Priorities Committee Agenda Planning

2021 GPC Dates											
Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.
11	8	8	26	10	14	12	-	27	25	8	13
25	22	22	-	31	28	26	-	-	-	22	-

JANUARY

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DECEMBER

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- Governance and Priorities Committee Meeting
- Statutory Holiday
- FCM Annual Conference (Toronto)
- Council Meeting

- UBCM Convention (Vancouver)
- AVICC Convention (Nanaimo)
- Public Hearing (Special Council Meeting)

Governance and Priorities Committee Agenda Planning

MEETING DATE	TOPIC	BACKGROUND	FORMAT	OUTCOMES
Reoccurring	REIMAGINE NANAIMO		- Updates regarding REIMAGINE Nanaimo review	-
<i>January/February 2021</i>	Review of “Street Entertainers Regulation Bylaw 2011 No. 7109”	Motion made to bring forward during 2020-OCT-26 Governance and Priorities Committee Meeting.	-	-
January 11 th	Active Transportation		-	-
January 11 th	Public Engagement report for the Animal Responsibility Bylaw		-	-
January 11 th	SFN and SD68 Truth and Reconciliation	Joan Brown and Scott Saywell Presentation Regarding Truth and Reconciliation	-	-
January 11 th	Agenda Planning Prioritization		-	-
January 25 th	REIMAGINE NANAIMO	Public Engagement Results Report	-	-
January 25 th	Public Hearing Process Policy		-	-
January 25 th	Mid-Term Governance Review		-	-

Governance and Priorities Committee Agenda Planning

January 25 th	Strategic Plan Update		-	-
February 8 th	TBD		-	-
February 22 nd	Health and Housing Task Force Final Report		-	-
February 22 nd	Economic Development Task Force Final Report		-	-
<i>(investigating options to engage w/ neighbourhood associations through the use of Get Involved Nanaimo or other form of online communication)</i>	Neighbourhood Associations – Part 2	Identified as a priority topic at the GPC meeting held 2020-JAN-20 (session 2 of 2)	<ul style="list-style-type: none"> - Invite chairs of some associations to attend and be available for the discussion. - Identify what resources are available - Presentation on how neighbourhood associations work in the City and what expectations they have of Council (i.e.: how do they want to be engaged?) 	<ul style="list-style-type: none"> - Formalized process for recognizing neighbourhood associations - Create a new policy and criteria for neighbourhood associations moving forward including how they can be officially recognized. - Defer any financial implications to Finance and Audit Committee
<i>TBD</i>	Women’s Participation on City of Nanaimo Task Forces and Childminding Reimbursement for members of City Committees	Identified as a priority topic at the GPC meeting held 2020-FEB-10		

Governance and Priorities Committee Agenda Planning

TBD	Transit		<ul style="list-style-type: none"> - Tailored City of Nanaimo conversation around transit delivery (City of Nanaimo residents' perspective and impacts to residents and the City). - How to encourage transit use from a City perspective. - Invite a member of RDN staff speak to Council at the meeting and provide an update of their planning process. - Bus stop locations that make sense - Conversation around covered bus stops - Number of hours that transit operates 	<ul style="list-style-type: none"> - An ask, or assessment, from the City's perspective sent to the RDN after a decision is made at the city level with a recommendation for consideration at the RDN.
TBD	Crosswalk Safety	Identified as a priority topic at the GPC meeting held 2020-FEB-10	<p>Crosswalks:</p> <ul style="list-style-type: none"> -report about flashing lights at crosswalks (are they beneficial, etc.) -Education and information around increasing pedestrian safety at crosswalks -Costs around the lighting at crosswalks. 	<p>Could come as a next step:</p> <ul style="list-style-type: none"> -Professional best practice on what should be at crosswalks and what works best and why, etc. <p>Outcome: -a report that outlines all of the pros and cons of crosswalk lighting and pedestrian safety. Options/costs</p>
TBD	Community use of the Vancouver Island Conference Centre	Identified as priority topic at the Finance and Audit Committee meeting held 2020-JUL-15	Staff to provide information package	

Governance and Priorities Committee Agenda Planning

TBD	Committee Structure and Community Engagement	Motion made to bring forward during 2020-OCT-05 Governance and Priorities Committee Meeting.		
TBD	Emergency Food and Nutrition Security Strategy	Motion made to bring this topic forward during 2020-OCT-19 Council Meeting		

Governance and Priorities Committee Agenda Planning

Future GPC Topics

1. 1 Port Drive
2. Building Permit Review
3. Capital planning process
4. Committee structure and community engagement
5. Community Amenity Contribution Policy
6. Election signage
7. Homelessness and addictions
8. Mutual Aid Agreement – Fire Department
9. Sports venues and tourism strategies
10. Sustainable Procurement Policy
11. Vancouver Island Regional Library overview
12. Waterfront Walkway
13. Policy Repeal Report
14. Records Management Update

Governance and Priorities Committee Agenda Planning

Deferred to Finance and Audit Committee

- Fees and Charges

Previous Topics Covered

- Review of “Council Procedure Bylaw 2018 No. 7272”
- Neighbourhood Associations – Part 1
- Effective Advocacy Strategies
- Coordinated Strategic Policy Review 2020-2021
- Single Use Checkout Bags
- Civic Facilities – conditions, issues, plans and objectives
- Energy and Emissions Management Program
- Advocacy – Part 2
- Coordinated Strategic Policy Review 2020-2021 – Public Engagement Strategy
- Manual of Engineering Standards and Specifications Revision Update
- ReImagine Nanaimo: Demographics and Land Inventory/Capacity Analysis Summary
- Climate Change Resilience Strategy
- Reallocation of Street Space
- Governance: Question Period/Correspondence/Proclamations/Other
- Council Resolution Update
- Reopening Strategy/Plan
- Roadway Reallocation Options
- Social Procurement
- Sustainable Procurement
- Capital Projects
- Sports Venues
- Proposed Amendments to the MoESS
- Arts & Culture
- Short Term Rental/AirBnB regulations
- REIMAGINE NANAIMO “Water”
- Sanitation Review
- Animal Responsibility Bylaw
- Councillor Brown and Councillor Geselbracht re: Doughnut Economic Framework Model
- Health and Housing Task Force Update
- Environment Committee Recommendations

Upcoming GPC/Special Council Topics

January 11

1. SFN and SD68 Truth and Reconciliation
2. Public Engagement for the Animal Responsibility Bylaw
3. Active Transportation Plan
4. Agenda Planning Prioritization



January 25

1. REIMAGINE Nanaimo
2. Public Hearing Process Policy
3. Strategic Plan Update



February 8

topics to be determined



February 22

1. Health and Housing Task Force Final Report
2. Economic Development Task Force Final Report