

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.

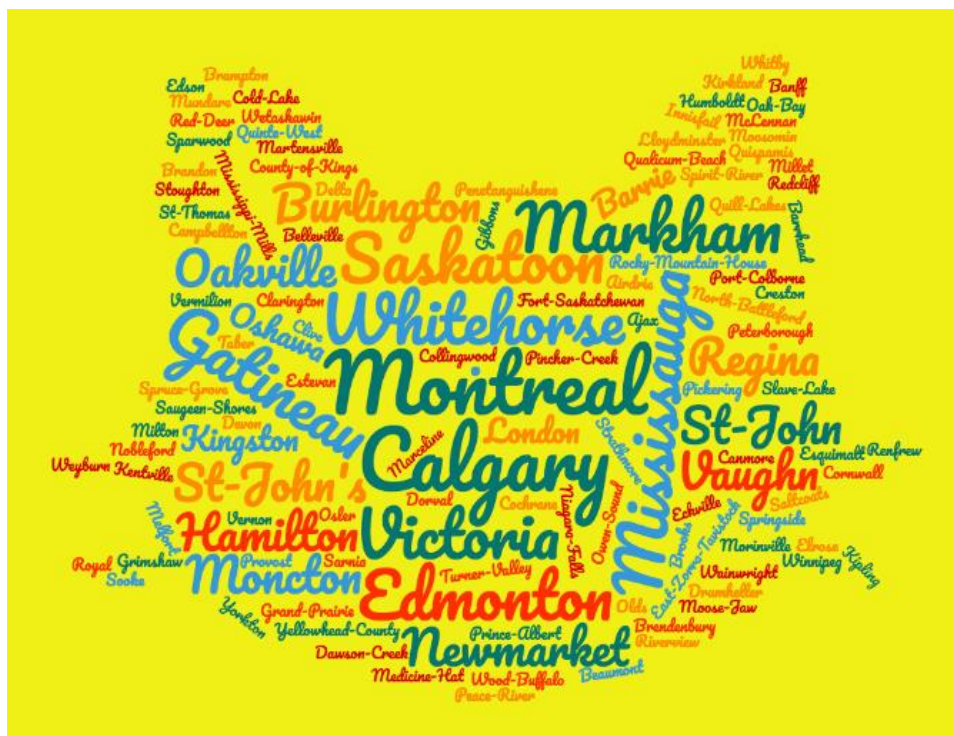
To gauge how often complaints are received about cats, Nanaimo Animal Control conducted a trial log between September 24 and November 7, 2020. During that time there were 20 calls documented over those 6 weeks related to cats averaging 3-4 per week. Of those, roughly 50% were related to nuisance cat 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