


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.