


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.