

DATE OF MEETING FEBRUARY 1, 2021

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

**SUBJECT ANIMAL RESPONSIBILITY BYLAW, ASSOCIATED FEES AND CHARGES AMENDMENT BYLAW & PROMISE TO RETURN COUNCIL POLICY**

## **OVERVIEW**

### **Purpose of Report**

To bring forward the amended Animal Responsibility Bylaw, Associated Fees and Charges Amendment Bylaw, and the Animal Responsibility Promise to Return Council Policy, as recommended by the Governance and Priorities Committee at its 2021-JAN-11 meeting.

### **Recommendations**

#### Animal Responsibility Bylaw

That “Animal Responsibility Bylaw 2021 NO. 7316” (To include provisions for animal welfare, control, licensing, duties of animal owners, penalties, and enforcement) pass first reading;

That “Animal Responsibility Bylaw 2021 NO. 7316” pass second reading;

That “Animal Responsibility Bylaw 2021 NO. 7316” pass third reading.

#### Fees and Charges Amendment Bylaw

That “Fees and Charges Amendment Bylaw 2021 NO. 7041.02” (To add Animal Control Fees) pass first reading;

That “Fees and Charges Amendment Bylaw 2021 NO. 7041.02” pass second reading;

That “Fees and Charges Amendment Bylaw 2021 NO. 7041.02” pass third reading.

#### Promise to Return

That Council adopt the Animal Responsibility – Promise to Return Council Policy as attached to the February 1, 2021 report by the Deputy City Clerk.

## **BACKGROUND**

At the 2021-JAN-11 Governance and Priorities Committee meeting, staff brought forward options for proposed changes to the draft Animal Responsibility Bylaw based on the feedback received during the engagement period. The feedback was introduced through six themes and the Committee passed the following recommendations for each theme:

Theme 1 – Cats at Large:

The Governance and Priorities Committee re-affirmed 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.”*

The Committee also supported 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.

Theme 2- Mandatory Identification of Cats:

The Governance and Priorities Committee reaffirmed 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:

The Governance and Priorities Committee:

- a) reaffirmed 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) directed staff to add the following seizure and impoundment fee provisions within the Fees and Charges bylaw to incentivize mandatory sterilization of Cats:

| Type of Animal | Description   | 1 <sup>st</sup> Offence | 2 <sup>nd</sup> Offence | 3 <sup>rd</sup> 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<br><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:

The Governance and Priorities Committee:

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

|                         |   |
|-------------------------|---|
| <b>“Aggressive Dog”</b> | <p><b>means any Dog that meets any one of the following criteria:</b></p> <ul style="list-style-type: none"> <li>(a) has attacked, bitten or caused injury to a Person or has demonstrated a propensity, tendency or disposition to do so;</li> <li>(b) has bitten, killed or caused injury to a Companion Animal or to Livestock;</li> <li>(c) has aggressively pursued or harassed a Person or Companion Animal or Livestock;</li> <li>(d) has a known propensity to attack or injure a Person without provocation;</li> <li>(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>.</li> </ul> |
|-------------------------|---|

And:

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

#### Theme 5 – Limit on Pets:

The Governance and Priorities Committee directed 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 Soft Bill 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 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:

The Governance and Priorities Committee:

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

**DISCUSSION**

As per the direction of the of the Governance and Priorities Committee at its January 11, 2021 meeting, the recommendations have been incorporated within the Animal Responsibility Bylaw and the Fees and Charges Amendment Bylaw. Also, an "Animal Responsibility – Promise to Return" Council policy has also been prepared. The bylaws and policy are now before Council for consideration.

## **OPTIONS**

### **Option 1:**

#### **Animal Responsibility Bylaw**

That “ANIMAL RESPONSIBILITY BYLAW 2021 NO. 7316” (to include provisions for animal welfare, control, licensing, duties of animal owners, penalties, and enforcement) pass first reading;

That “ANIMAL RESPONSIBILITY BYLAW 2021 NO. 7316” pass second reading;

That “ANIMAL RESPONSIBILITY BYLAW 2021 NO. 7316” pass third reading.

#### **Fees and Charges Amendment Bylaw**

That “FEES AND CHARGES AMENDMENT BYLAW 2021 NO. 7041.02” (to add Animal Control Fees) pass first reading;

That “FEES AND CHARGES AMENDMENT BYLAW 2021 NO. 7041.02” pass second reading;

That “FEES AND CHARGES AMENDMENT BYLAW 2021 NO. 7041.02” pass third reading.

#### **Promise to Return**

That Council adopt the Animal Responsibility – Promise to Return Council Policy as attached to the February 1, 2021 report by the Deputy City Clerk.

### **Implications:**

The above recommendations are based on the direction provided by Council as its July 6, 2020 Council meeting, and recommendations by the Governance and Priorities Committee at its November 9, 2020 and January 11, 2022 Governance and Priorities Committee meetings.

### **Option 2:**

That Council refer “Animal Responsibility Bylaw 2021 No. 7316” to a future Governance and Priorities Committee meeting for further review and direction.

### **Implications:**

Should Council select Option 2, the Animal Responsibility Bylaw would be placed on a future Governance and Priorities Committee agenda where further direction would be sought on any potential changes. “Fees and Charges Amendment Bylaw 2021 No. 7041.02” and the “Animal Responsibility - Promise to Return” Council policy would also need to be held in abeyance until such time as final direction is provided on the Animal Responsibility Bylaw.

## **NEXT STEPS:**

- Should the Animal Responsibility Bylaw receives its first three readings, the bylaw would be sent to the Minister for approval.
- An amendment to the Bylaw Notice Enforcement Bylaw would be brought forward to Council; and

- Once the Animal Responsibility Bylaw comes back for adoption, a press release, along with a FAQ would be prepared outlining the new changes.

### **SUMMARY POINTS**

- An engagement opportunity for members of the public on the Animal Responsibility Bylaw was provided for three weeks (November 19 – December 11, 2020).
- The results of the public feedback, and options for changes to the bylaw (based on the themes that emerged), were presented to the Governance and Priorities Committee on January 11, 2021.
- The Committee selected its preferred options and those directives have been incorporated within the Animal Responsibility Bylaw and the Fees and Charges Amendment Bylaw.
- The bylaws are now before Council for consideration of first three readings.
- The “Animal Responsibility – Promise to Return” Council policy is also before Council for consideration.

Attachment 1 - “Animal Responsibility Bylaw 2021 No. 7316”

Attachment 2 - “Fees and Charges Amendment Bylaw 2021 No. 7041.02”

Attachment 3 - Animal Responsibility – Promise to Return Council Policy

Attachment 4 - Links to Previous Staff Reports, Consultant Report and SPCA Model Animal Responsibility Bylaw Reference Guide

**Submitted by:**

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**Concurrence by:**

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