

DATE OF MEETING SEPTEMBER 21, 2021

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

SUBJECT BYLAW NOTICE ENFORCEMENT BYLAW AMENDMENT – TO AMEND THE PARKS RECREATION AND CULTURE FINES AND ADD FINES ASSOCIATED WITH THE ANIMAL RESPONSIBILITY BYLAW

OVERVIEW

Purpose of Report

To introduce amendments to the Parks, Recreation and Culture Regulation Bylaw to remove sections that will be administered through the Animal Responsibility Bylaw and to amend the Bylaw Notice Enforcement Bylaw in order to assign fines for violations associated with the Animal Responsibility Bylaw.

Recommendation

Parks, Recreation and Culture Regulation Bylaw

That “Parks, Recreation and Culture Regulation Amendment Bylaw 2021, No. 7073.08” (to remove sections that will be administered under the Animal Responsibility Bylaw and replace the Violation and Penalty section) pass first reading;

That “Parks, Recreation and Culture Regulation Amendment Bylaw 2021, No. 7073.08” pass second reading;

That “Parks, Recreation and Culture Regulation Amendment Bylaw 2021, No. 7073.08” pass third reading.

Bylaw Notice Enforcement Amendment Bylaw

That “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12” (to amend the fine schedule for the Parks, Recreation and Culture Bylaw and add a fine schedule for the Animal Responsibility Bylaw) pass first reading;

That “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12” pass second reading;

That “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12” pass third reading.

BACKGROUND

Once the “Animal Responsibility Bylaw 2021 No. 7316 No. 7316” is adopted, housekeeping amendments to the Parks Recreation and Culture Regulation Bylaw and the Bylaw Notice

Enforcement Bylaw will be required to accommodate the new provisions contained within the Animal Responsibility Bylaw.

DISCUSSION

Parks, Recreation & Culture Regulation Bylaw Amendment

With adoption of the Animal Responsibility Bylaw, section 5.3 in the Park, Recreation & Culture Regulation bylaw as it relates to animals in parks should be removed, as those provisions will now be governed under the Animal Responsibility Bylaw.

In conjunction with removing section 5.3, staff is taking the opportunity to address a housekeeping matter (similar to the amendments brought forward to Council on October, 2020 for the Zoning Bylaw and Tree Protection Bylaw) to replace the Offence section of the bylaw (Section 8) so that the violation and penalty language is consistent with other regulatory bylaws.

Section “C” (the Fine Schedule) also needs to be repealed as it is tied to the outdated ticketing system no longer used by the City. It is also redundant as these same fines are outlined in Schedule “A” to the Bylaw Notice Enforcement Bylaw No. 7159, which governs the Bylaw Adjudication System currently used by the City.

Bylaw Notice Enforcement Amendment Bylaw

The “Bylaw Notice Enforcement Bylaw 2012 No. 7159” also needs to be amended by deleting the offences associated with the “Faeces Removal Bylaw 1980 No. 2109” and the “Licencing and Control of Animals Bylaw 1995 No. 4923”. In its place will be the fine schedule for the “Animal Responsibility Bylaw 2021 No. 7316”.

The fines associated with the Animal Responsibility Bylaw are either:

- a) on par with the fines currently assigned to the Licencing and Control of Animals Bylaw; or
- b) where provisions are new, the City of Victoria fine schedule was used as a guide as they have similar bylaw provisions to Nanaimo and are both serviced by the same contractor.

In some instances, there are fines that have not been increased since 1993 and some since 2010. The fine increases are listed below, along with the rationale for the proposed increase:

Section	Description	Existing Fine	City of Victoria	Proposed Fine	Comments
16	Unlicensed Dog	\$50	\$125.00	\$125.00	Fine has not been increased since 1993
31(a)	Abandon an Animal	N/A	\$150.00	\$300.00	Propose a \$300 fine given the seriousness of the offence.
37 (a)(b)(c)(d)(e)	Tether animal contrary to regulations	\$100	\$150.00	\$150.00	To be on par with Victoria and the other animal cruelty provisions
56	Harbour bees over maximum permitted on land under .4ha	\$100.00	N/A	\$150.00	No increase since 2010.

57	Harbour bees over maximum permitted on land over .4 has	\$100	N/A	\$150.00	No increase since 2010.
58(a)(b)(c)(d)	Keep bees contrary to regulations	\$100.00	\$150.00	\$150.00	No increase since 2010. To be on par with Victoria.
66(a)(b)(c)(d)(e)(f)(g)(h)(i)	Keep ducks or chickens contrary to regulations	\$100.00	N/A	\$150.00	No increase since 2010
67(a)	Keep poultry in a dwelling unit or deck or balcony	\$100.00	N/A	\$150.00	No increase since 2010
68(a)(b)(c)(d)	Keep poultry contrary to regulations	\$100.00	N/A	\$150.00	No increase since 2010
70	Fail to have livestock tethered on unfenced land	\$100.00	N/A	\$150.00	To be the same as the tethering fine under Section 37
72(a)(b)	Keep rabbits contrary to regulations	\$100.00	N/A	\$150.00	No increase since 2010
86	Fail to Remove Dog Excrement	\$ 50.00	\$100.00	\$100.00	No increase since 1995. To be on par with Victoria
88(a)(b)(c)	Noisy Dog	\$100.00	\$150.00	\$150.00	To be on par with Victoria
89(a)(b)(c)(d)(e)	Feed prohibited animal	\$100.00	\$350.00	\$350.00	Feeding wildlife has serious implications. Suggest fine be on par with Victoria
109 & 110	Fail to provide information	\$100.00	\$250.00	\$150.00	No increase since 2010

OPTIONS:

Option 1:

Parks, Recreation and Culture Regulation Bylaw

That “Parks, Recreation and Culture Regulation Amendment Bylaw 2021, No. 7073.08” (to remove sections that will be administered under the Animal Responsibility Bylaw and replace the Violation and Penalty section) pass first reading;

That “Parks, Recreation and Culture Regulation Amendment Bylaw 2021, No. 7073.08” pass second reading;

That “Parks, Recreation and Culture Regulation Amendment Bylaw 2021, No. 7073.08” pass third reading.

Bylaw Notice Enforcement Amendment Bylaw

That “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12” (to amend the fine schedule for the Parks, Recreation and Culture Bylaw, add a fine schedule for the Animal Responsibility Bylaw, and replace Schedule B – Registry Agreement) pass first reading;

That “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12” pass second reading;

That “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12” pass third reading.

Implications:

The recommendation for amendments to the Parks Recreation and Culture Regulation Amendment bylaw are housekeeping in nature resulting from the adoption of the Animal Responsibility Bylaw.

Many of the fines in the new Animal Responsibility Bylaw, with rationale outlined in the staff report, are either: 1) on par with the existing Licencing and Control of Animal Bylaw; or 2) being increased as they have not been increased since either 1993 or 2010.

Option 2:**Parks, Recreation and Culture Regulation Bylaw**

No alternate recommendation is being put forward as these amendments are required with the adoption of the Animal Responsibility Bylaw.

Bylaw Notice Enforcement Amendment Bylaw

That Council select alternate fine amounts for the Animal Responsibility Bylaw to those proposed in the staff report and then consider the following recommendation:

That “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12” (to amend the fine schedule for the Parks, Recreation and Culture Bylaw and add a fine schedule for the Animal Responsibility Bylaw) pass first reading;

That “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12” pass second reading;

That “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.12” pass third reading.

Implications:

Should Council wish to select alternate fines for the Animal Responsibility Bylaw, staff would seek direction from Council on the amount. Once selected, staff recommend that the bylaw then be given its first three readings.

SUMMARY POINTS

- With the adoption of the Animal Responsibility Bylaw, the fine schedule requires replacing to reflect the new bylaw provisions.
- Many fines are on par with the previous Animal Regulation Bylaw. Any proposed increases are based on the City of Victoria’s fine schedule.

ATTACHMENTS:

Attachment 1 - BL 7073.08 – Parks Recreation & Culture Regulation Amendment Bylaw
Attachment 2 – BL 7159.12– Bylaw Notice Enforcement Bylaw Amendment

Submitted by:

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Concurrence by:

Dave LaBerge, Manager, Bylaw Enforcement
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Richard Harding, GM, Parks, Rec. & Culture
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Jake Rudolph, CAO