



Subject: Amendments to the Animal Responsibility Bylaw

PURPOSE

The purpose of this report is to introduce the *Animal Responsibility Bylaw Amendment Bylaw (No. 1)* and to provide an explanation of the changes this will introduce.

BACKGROUND

On March 15, 2018, Council directed staff to bring forward certain amendments to the *Animal Control Bylaw No. 11-044*. Legal Services have prepared the amendment bylaw to implement Council's direction and the amendments were adopted on April 26, 2018. One of the amendments was to change the name of the bylaw to *Animal Responsibility Bylaw*.

At the time of adoption of the amendments, Council identified further changes that were required and passed the following motion:

That Council direct staff to prepare an additional clause for incorporating into the Animal Responsibility Bylaw, or other bylaws, as appropriate, to:

Restrict the storage or composting of manure from poultry kept on the property to closed containers with a maximum size of 1 metre by 1 metre by 1 metre, with a lid, and situated with a minimum setback of 3 metres from any adjacent property line.

And that feed for poultry kept on property, will be stored in closed, rat proof containers.

That staff be directed to report back on how to allow for an application to the city for an exemption to the animal control bylaw.

In addition, Council requested that the bylaw be clarified to ensure that the limits on the number of permitted chickens be expanded to apply to all other poultry.

ISSUES & ANALYSIS

The proposed bylaw amendments reflect directions from Council and no independent staff policy analysis has been undertaken. The following changes are included in the *Animal Responsibility Bylaw Amendment Bylaw (No. 1)*:

1. Definition of "poultry"

The term "poultry" is defined to cover any domesticated bird that is normally kept for its eggs, meat, or feathers. The term poultry is used in proposed amendments to section 25(3) and 35(3) that are discussed below.

2. Introduction of power for Council to grant exemptions

The proposed new section 3A would allow Council to exempt a person or property from the application of any provision in Parts 4 [Animal Control] and Part 7 [Animal Nuisances] of the *Animal Responsibility Bylaw* if, in Council's opinion, the application of that provision would result in undue hardship.

The exemption authority would be limited to circumstances where Council is satisfied that application of the bylaw would cause undue hardship – a relatively high threshold that requires more

than mere inconvenience. The exemption could cover only provisions of the bylaw in the listed parts and would not authorize exemption from animal welfare, licencing, or enforcement provisions.

The reference to “person or property” in the proposed new section 3A(1) would allow Council to grant an exemption that would apply to specified person (individual or organization) regardless of where the exempted activity occurs; or Council could exempt specific property such that the exemption would continue regardless of who owns or occupies it.

The proposed section 3A(2) would allow Council to impose terms and conditions on any exemption to give Council maximum amount of flexibility possible to address any unique hardship circumstances. It also permits for imposing a time limit on any exemption to allow for transition to full compliance.

3. Changes to section 25(3) to extend the limit to “poultry”

The proposed amendment extends the fifteen-bird limit that is currently applicable to female chickens to all poultry, including chickens.

4. Addition of subsections (3) and (4) to section 35 to regulate storage of poultry manure

This new provisions prohibit outside storage of poultry manure except if it is stored in fully enclosed container that is not more than one metre by one metre by one metre in size and is at least three metres away from any property line.

5. Addition of subsection (4) to section 36 to regulate storage of animal feed

This new provision prohibits storage of animal feed outdoors unless it stored in a fully enclosed container that is capable of keeping out rats, raccoons, and other wildlife.

OPTIONS & IMPACTS

Council may give three readings to the proposed *Animal Responsibility Bylaw Amendment Bylaw (No. 1)* in its present form. Alternatively, Council can make amendments to the bylaw as drafted by staff. Finally, Council may provide further directions to staff and direct preparation of a different amendment bylaw.

Accessibility Impact Statement

There are no direct accessibility impacts that result from the proposed bylaw amendments. Pursuant to the *Guide Dog and Service Dog Act*, the proposed changes should not affect any guide or service dogs or their owners.

2015 – 2018 Strategic Plan

The proposed regulations are related to the overarching objective of continuous improvement.

Impacts to Financial Plan

The proposed amendments are not expected to have any financial plan impacts.

Official Community Plan Consistency Statement

The proposed amendments are consistent with the OCP.

CONCLUSIONS

The proposed *Animal Responsibility Bylaw Amendment Bylaw (No. 1)* has been prepared based on Council's directions on April 19 and 26, 2018 and has been tentatively placed on the agenda for tonight's Council meeting.

Respectfully submitted,


Tom Zworski
City Solicitor

Report accepted and recommended by the City Manager:

Date:




List of Attachments

Appendix "A" – proposed *Animal Responsibility Bylaw Amendment Bylaw (No. 1)*