



MOUNTAINS OF OPPORTUNITY

CRANBROOK

Report Recommendation

TITLE/SUBJECT: City of Cranbrook Deer Feeding Prohibition Bylaw No. 3709, 2010 and City of Cranbrook Ticket Information Utilization Amendment Bylaw No. 3710, 2010.

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FILE NO:

DEPARTMENT: Corporate Services

Cross Ref:

COUNCIL DATE: August 16, 2010

Regular Council

SUBMITTED BY: _____

DATE: _____

DEPARTMENT HEAD: _____

DATE: _____

APPROVED BY CAO: _____

DATE: 09.08.10

PURPOSE:

1. To provide a Bylaw to prohibit feeding of deer within the City of Cranbrook with the intent to reduce the deer population within City boundaries.
2. To provide a Bylaw to amend Ticket Information Utilization Bylaw No. 3022, 1991 to utilize Municipal Ticket Informations as a means to enforce violations of City of Cranbrook Deer Feeding Bylaw No. 3709, 2010.

RECOMMENDATION BY: Staff

1. THAT Council give first, second and third readings to the City of Cranbrook Deer Feeding Prohibition Bylaw No. 3709, 2010.
2. THAT Council give first, second and third readings to the City of Cranbrook Ticket Information Utilization Amendment Bylaw No. 3710, 2010.

ALTERNATIVE:

1. THAT Council amend Bylaw 3709, 2010 as presented and give first, second and third readings to the City of Cranbrook Deer Feeding Prohibition Bylaw No. 3709, 2010 as amended.
2. THAT Council amend Bylaw 3710, 2010 as presented and give first, second and third readings to the City of Cranbrook Ticket Information Utilization Amendment Bylaw No. 3710, 2010 as amended.

BUDGETARY IMPACT:

Nil

POLICY IMPLICATION:

Nil

BACKGROUND INFORMATION:

On Monday July 26, 2010 members of Council were briefed by officials from the Ministry of Environment regarding concerns around urban deer and any and all potential solutions. MOE Staff recommended that Council adopt a Bylaw to prohibit feeding deer within the boundaries of the City of Cranbrook as an initial attempt to reduce the urban deer population. Administration further recommends that the Municipal Ticket Information Bylaw be amended to provide authority to issue tickets to persons who violate the provisions, imposing a fine of \$100 for the first offence, \$200.00 for the second offence and \$500.00 for the third. Subsequent offences will be prosecuted under the Offence Act which provides for fines greater than \$500.

The Corporate Communications Office with input from the Bylaw Enforcement Office will carry out a public education campaign leading up to the October 1, 2010 start date of the new deer feeding prohibition bylaw.

The intent of the campaign will be to educate the public about what constitutes intentionally feeding of deer; why residents should not intentionally feed deer and the significant points of the bylaw and fines.

Should the bylaw move through the first three readings, a release highlighting the new proposed bylaw will be made to the media. The release will be followed up by a more comprehensive review of the bylaw in the City's weekly half page informational sections in the Daily Townsman and Kootenay Advertiser the week of August 23, 2010.

Through the remainder of August and September, weekly ads reminding residents of the bylaw taking effect October 1, 2010 will continue to appear in the City's weekly half page information sections.

Information and a copy of the Deer Feeding Prohibition bylaw will also be posted on the City's website for public review.

ATTACHMENTS:

- Draft of proposed "City of Cranbrook Deer Feeding Prohibition Bylaw No. 3709, 2010
- Draft of proposed "City of Cranbrook Ticket Information Utilization Amendment Bylaw No. 3710, 2010.

DEER FEEDING PROHIBITION

A bylaw to prohibit feeding of deer within the City of Cranbrook.

WHEREAS the Municipal Council of the City of Cranbrook may, pursuant to the *Community Charter*, by bylaw, regulate, prohibit and impose requirement in relation to animals;

AND WHEREAS the Municipal Council of the City of Cranbrook wish to enact a bylaw to prohibit the feeding of deer within boundaries of the City of Cranbrook.

NOW THEREFORE the Municipal Council of the Corporation of the City of Cranbrook, in open meeting assembled, enacts as follows:

1. TITLE

- 1.1 This Bylaw shall be cited for all purposes as "*City of Cranbrook Deer Feeding Prohibition Bylaw, No. 3709, 2010*".

2. INTERPRETATION

- 2.1 In this Bylaw, unless the context otherwise requires, words in the singular include the plural and gender specific terms include both genders and corporations.

HEADINGS

- 2.2 The headings given to parts, sections and paragraphs in this Bylaw are for convenience of reference only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.

SEVERABILITY

- 2.3 If any portion of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

3. DEFINITIONS

- 3.1 In this bylaw:

BYLAW ENFORCEMENT OFFICER means the person appointed to that position by the Chief Administrative Officer of the City for the purpose of enforcing and carrying out the provisions of this bylaw, or a person appointed to act in his stead.

CHIEF ADMINISTRATIVE OFFICER	means the person appointed to that position for the City under the <i>City of Cranbrook Officers and Employees Bylaw No. 3485, 2004</i> as amended.
CITY	means the Corporation of the City of Cranbrook.
CONSERVATION OFFICER	means a person appointed under the <i>Wildlife Act, R.S.B.C. 1996, c. 488</i> .
COUNCIL	means the Mayor and Council of the City of Cranbrook.
DEER	means any member of the family <i>Cervidae</i> .
ENFORCEMENT OFFICER	means any member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, or any person appointed by Council to enforce this bylaw.

4. PROHIBITION AGAINST FEEDING OF DEER

- 4.1 No person shall provide deer with food either directly or by leaving or placing in, on or about land or premises food, food waste or any other material that is or is likely to be attractive to deer for the purpose of feeding deer, other than a conservation officer acting in the performance of his duties, or a person acting under the direction of or with the permission of a conservation officer.
- 4.2 For certainty, the prohibition in section 4.1 does not apply in relation to:
- (a) farm operations;
 - (b) fruit or vegetable gardening for human consumption; or
 - (c) ornamental plants and flowers.

5. ENFORCEMENT AND ENTRY

- 5.1 An Enforcement Officer for the City may enter onto any property in accordance with section 16 of the *Community Charter, S.B.C. c. 26* to inspect and determine whether this bylaw is being met.

Where an Enforcement Officer believes that, as a result of a breach of this bylaw, a deer is located on or near the property and has endangered or harmed a person or a domestic animal, or presents an imminent threat to the safety of any person, the officer may take steps to prevent, avert, reduce or mitigate the harm or threat or provide assistance. In so doing, the officer may seek the assistance of a Conservation Officer or a police officer as may be reasonable or necessary in the circumstances.

- 5.2 A person must not obstruct or interfere with an Enforcement Officer who has entered onto property pursuant to section 5.1, or other person assisting the officer.

5.3 The Chief Administrative Officer of the City may prescribe any form, notice, ticket or other administrative matter required pursuant to this bylaw.

6. OFFENCE AND PENALTY

6.1 Any person who contravenes or violates any portion of this bylaw, fails or omits to do anything required under this bylaw, or who permits, suffers or allows any act or thing to be done or omitted to be done in contravention or violation of this bylaw, commits an offence; and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

6.2. Upon being convicted of an offence under this bylaw, a person shall be liable to pay a fine of not more than \$10,000.

6.3 In addition to any other remedies available at law, this bylaw may be enforced by means of a prosecution under the *Offence Act* or by a ticket issued under the *City of Cranbrook Ticket Information Utilization Bylaw No. 3022, 1991*, as amended or replaced from time to time.

7. COMMENCEMENT

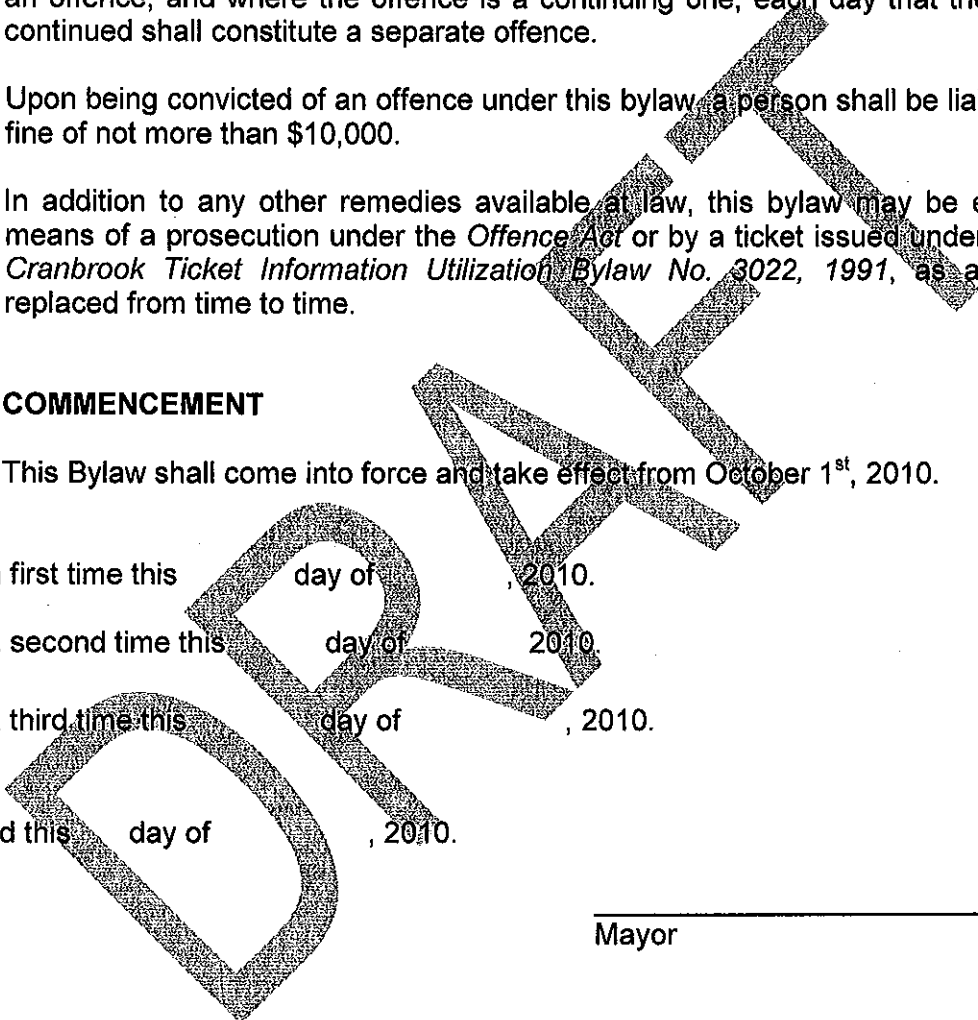
7.1 This Bylaw shall come into force and take effect from October 1st, 2010.

Read a first time this day of , 2010.

Read a second time this day of 2010.

Read a third time this day of , 2010.

Adopted this day of , 2010.



Mayor

Director of Corporate Services

TICKET INFORMATION UTILIZATION AMENDMENT BYLAW

A bylaw to provide for the amendment of the "City of Cranbrook Ticket Information Utilization Bylaw No. 3022, 1991".

The Municipal Council of the Corporation of the City of Cranbrook, in open meeting assembled, enacts as follows:

1. THAT this bylaw may be cited as the "City of Cranbrook Ticket Information Utilization Amendment Bylaw No. 3710, 2010";
2. THAT "City of Cranbrook Ticket Information Utilization Bylaw No. 3022, 1991" shall hereby be amended as follows:
 - a) That the Whereas clause, which reads as follows:

Whereas Section 264 of the Community Charter authorizes the Council to, by bylaw;

1. *Designate those bylaws which may be enforced by means of a form of ticket prescribed by regulation under section 934.3*
2. *Designate bylaw enforcement officers for the purpose of enforcing bylaws by means of a prescribed form of ticket.*
3. *Designate an offence against a bylaw by means of a word or expression on a ticket; and*
4. *Set fines, not exceeding \$500, for contraventions of designated bylaws.*

be replaced by the following:

WHEREAS the *Community Charter* empowers Council, by bylaw, to designate those bylaws for which Municipal Ticket Informations may be used as a means of bylaw enforcement;

AND WHEREAS the *Community Charter* empowers Council, by bylaw, to authorize the use of any word or expression on a Municipal Ticket Information to designate an offence against a bylaw;

AND WHEREAS Council deems it expedient to authorize the use of Municipal Ticket Informations for the enforcement of certain bylaws, to authorize the use of certain words or expressions to designate certain bylaw offences, and to set certain fine amounts;

AND WHEREAS Council deems it expedient to set fines not greater than the amount prescribed by regulation.

b) That section 3, which reads as follows,

The words or expressions set forth in Column 1 of Schedule 2 through 10 to this Bylaw designate the offence committed under the Bylaw section number appearing in Column 2 opposite the respective words or expressions.

be replaced by the following:

The words or expressions set forth in Column 1 of Schedules 2 through 12 to this Bylaw designate the offence committed under the Bylaw section number appearing in column 2 opposite the respective words or expressions.

c) That section 4, which reads as follows,

The amounts appearing in Column 3 of Schedules 2 through 10 to this Bylaw are the fines set pursuant to Section 934.1 (6) of the Municipal Act for the corresponding offences designated in Column 1.

be replaced by the following:

The amounts appearing in Column 3 of Schedules 2 through 12 to this Bylaw are the fines set in accordance with the maximum set by Regulation pursuant to section 264 of the Community Charter.

d) That "Schedule 1" shall be removed in its entirety and shall be replaced by "Schedule 1 (2010)", which is attached to and forms part of this bylaw.

e) That "Schedule 13", listing specific offences and fines applicable to the City of Cranbrook Deer Feeding Prohibition Bylaw No. 3709, 2010, which is attached to and forms part of this bylaw, is added after Schedule 12.

Read a first time this _____ day of _____, 2010
Read a second time this _____ day of _____, 2010
Read a third time this _____ day of _____, 2010
Adopted this _____ day of _____, 2010.

Mayor

Director of Corporate Services

SCHEDULE 1 (2010)**DESIGNATED BYLAW**

Animal Control Bylaw No. 3113

Building Bylaw No. 2860

Business Licence Bylaw No. 3194

Commercial Vehicle Licencing Bylaw No. 3197

Deer Feeding Prohibition Bylaw, No. 3709, 2010

Noise Bylaw No. 2612

Parks & Recreation Regulation Bylaw No. 2418

Sign Bylaw No. 2286

No Smoking Regulation Bylaw No. 3020

Streets and Traffic Bylaw No. 3021

Waterworks Bylaw No. 2785

Zoning Bylaw No. 3100

**DESIGNATED BYLAW
ENFORCEMENT OFFICERS**Royal Canadian Mounted Police
Bylaw Enforcement Officer
Animal Control Officer
Parks AttendantBuilding Inspector
Bylaw Enforcement OfficerLicence Inspector
Bylaw Enforcement OfficerRoyal Canadian Mounted Police
Bylaw Enforcement Officer
Parking Control OfficerRoyal Canadian Mounted Police
Bylaw Enforcement OfficerRoyal Canadian Mounted Police
Bylaw Enforcement OfficerRoyal Canadian Mounted Police
Bylaw Enforcement Officer
Parks AttendantBuilding Inspector
Bylaw Enforcement OfficerRoyal Canadian Mounted Police
Bylaw Enforcement OfficerRoyal Canadian Mounted Police
Bylaw Enforcement Officer
City Engineer
Parking Meter Attendant
Public Works ManagerBylaw Enforcement Officer
Waterworks ForemanBuilding Inspector
Bylaw Enforcement Inspector

SCHEDULE 13 (2010)
(Amending Bylaw No. 3710, 2010)

<u>DEER FEEDING PROHIBITION BYLAW NO. 3709, 2010</u>	<u>SECTION</u>	<u>FINE</u>
Feeding deer (1 st offence)	4.1	\$ 100.00
Feeding deer (2 nd offence)	4.1	\$ 200.00
Feeding deer (3 rd offence)	4.1	\$ 500.00