



City of Port Moody

Report/Recommendation to Council

Date: September 30, 2019
Submitted by: Planning and Development Department – Building, Bylaw, and Licensing
Subject: Bear Management Ticketing Bylaw Changes

Purpose

To follow up on Council direction for bylaw changes in support of bear management efforts.

Recommended Resolution(s)

THAT City of Port Moody Municipal Ticket Information Authorization Bylaw, 2016, No. 3044, Amendment Bylaw No. 11, 2019, No. 3210 be read a first time as presented in the report dated September 30, 2019 from the Planning and Development – Building, Bylaw, and Licensing Division regarding Bear Management Ticketing Bylaw Changes.

THAT Bylaw No. 3182 be read a second time.

THAT Bylaw No. 3182 be read a third time.

THAT staff be directed to report back on potential amendments to the City of Port Moody Solid Waste Bylaw, 2016, No. 3058 to provide increased storage requirements for solid waste carts.

Background

On July 23, 2019 Council received a Bear Management Strategy Update. The implementation of the strategy calls for bylaw amendments, solid waste bin replacement in key public spaces, and an expansion of communications efforts in an effort to prevent human-bear conflicts.

RC19/352

THAT staff be directed to finalize and implement the recommendations outlined in the Bear Hazard Assessment into a Port Moody Human-Bear Conflict Management Plan as recommended in the report dated July 12, 2019 from the Environment and Parks Department – Environment Division regarding Bear Management Strategy Update;

AND THAT staff be directed to submit an application to the Ministry of Environment and Climate Change Strategy to become a Bear Smart Community upon completion of the Port Moody Human-Bear Conflict Management Plan;

AND THAT a budget of \$5,000 to initiate Bear Management Strategy-related tasks and outreach in 2019 be referred to the Finance Committee to identify a funding source;

AND THAT the 2020 operating budget include funding of \$15,000 to support ongoing Bear Management Strategy-related tasks and outreach;

AND THAT the cost implications for implementing community-based social marketing and communal all-waste-streams collection bin Pilot Project be received for information.

At the September 17, 2019, Council Committee of the Whole meeting, a delegation from Port Moody / Tri-Cities Bear Aware made a presentation. Following this presentation, Council passed the following motion:

CW19/133

THAT the item be referred to staff for action;

AND THAT the delegation be received for information and the delegates thanked for their presentation.

CW19/134

THAT fines for bear attractant-related offences be set as follows:

- 1st offence – \$500;
- 2nd offence – \$750; and
- 3rd offence – maximum fine permitted.

Discussion

Over the past years, the City has been pro-active and successful in promoting awareness and educating residents about the importance of reducing bear attractants.

Solid Waste Management, current and proposed

In 2016, Solid Waste Bylaw, No. 3058 was updated. Since its update, a concerted effort has been made by staff to enforce bear related offences outlined in the Solid Waste Management Bylaw. Key features of the program to date are:

- requirements regarding timing of putting out waste containers;
- requirements regarding securement of waste containers; and
- follow up on observed spills / problem areas.

Currently, collections staff flag garbage spills and problem areas for follow up with the residents regarding bylaw enforcement. This targeted approach has been effective in dealing with issues as they arise. Operational efforts include:

- service schedule adjustments/ expedited routing;
- tracking bear damaged carts and expedited cart or clip repair/replacements; and
- on site and telephone conversations with homeowners to provide best practices and guidance.

The current bylaw makes general reference to securing garbage (see **Attachment 1**), but does allow people to place containers in side or back yards. In response to Council's interest in continuous improvement of bear management by community members stricter guidance to store locked waste container in an enclosed or covered area could be considered. However, this requirement may be onerous for owners without space or without sufficient financial resources to store the containers. Council can direct staff to bring back a bylaw amendment to this effect, in which case staff would report back with potential bylaw amendment options and conceptual implementation plans to support the amendment.

Conservation Officer Services Data

Over the past four years, the British Columbia Conservation Officer Services have confirmed the following bear deaths resulting from food attractants in Port Moody:

- 2016 – 5 bears;
- 2017 – 6 bears;
- 2018 – 0 bears; and
- 2019 – 2 bears.

Enforcement efforts

The Bylaw Division conducted approximately seven weeks of late night and early morning Solid Waste Cart Bear Attractant Compliance Blitzes. This takes place February – May and August-October during times when bears are most active. This level of enforcement has been consistently applied over the past five years to reduce human-bear conflict, focusing on carts out early on non-collection days, and solid waste carts without their bear clips applied.

As shown in **Attachment 2**, the numbers of tickets issued for carts out prior to 5:30am on collection day have decreased significantly since 2016. Current ticketing levels are listed in **Attachment 3**. In that year, the bylaw was changed from \$0 for the first offence to \$50 for the first offence. Similar enforcement models have been used in each year since 2016, thus the lowered instances of ticketing does suggest that compliance has improved.

The results show a steady improvement in waste management by community members with fewer tickets issued for timing, which has enabled a shift to increased enforcement and increased ticketing to unsecured waste containers.

Level of fines

City of Port Moody Municipal Ticket Information Authorization Bylaw, 2016, No. 3044, Amendment Bylaw No. 11, 2019, No. 3210 (**Attachment 4**) has been prepared by staff to increase fines for Wildlife attractant related infractions of the Solid Waste Bylaw, No. 3058 as per Council direction.

During the discussion on September 17, Council set the new desired fine levels based on the assumption that warnings were given before any tickets were issued. However, since the changes in 2016, warnings are no longer given for wildlife attractants and the current \$50 ticket serves as the first warning to the owner that containers are contravening the bylaw. With that in mind, staff recommend that Council consider a lower 1st offence fine amount to serve as a warning. An alternative option has been provided for Council's consideration in the other options section below.

Moreover, staff note that the proposed tenfold increase for the first offence (from \$50 to \$500) could result in collecting on fewer issued tickets, while at the same time increasing related administrative costs to respond to upset residents, an expected increase in quash requests or legal cost through the Provincial Court. Under the *Community Charter*, the maximum amount of a fine related to ticket offences is \$1,000. Higher fines may be possible in severe cases through the use of long form prosecution rather than a ticket. Ticket values of a high magnitude are generally reserved for infractions related to serious risk to human life and safety issues.

Other Option(s)

1. THAT draft City of Port Moody Municipal Ticket Information Authorization Bylaw, 2016, No. 3044, Amendment Bylaw No. 11, 2019, No. 3210 be amended to include a fine of \$100 for the 1st offence, \$500 for the 1st recurrence and \$1,000 for subsequent recurrences.
2. THAT the report dated February 14, 2019 from the Planning and Development Department – Building, Bylaw, and Licensing Division regarding Bear Management Ticketing Bylaw Changes be received for information.
3. THAT other direction be provided to staff.

Financial Implications

There may be an increase in ticketing revenue due to the proposed changes, however, there will also be increased cost in handling complaints about tickets issues through the quash requests or through the Provincial Court. Staff is not able to provide specific revenues and costs at this time due to the uncertainty in the response from community members.

Communications and Civic Engagement Initiatives

The City sends out proactive solid waste management messaging to reduce bear attractants through an ongoing public education and awareness campaign. If increased fines are adopted, staff will incorporate updated fine information into education and awareness campaign materials. The table in **Attachment 5** provides an overview of the current public education and awareness actions to reduce human-bear conflict and bear attractants.

As identified in the July 2019 Bear Management Strategy Update report, this fall and winter staff will be updating and producing targeted outreach material and preparing a Human-Bear Conflict Management Plan to guide the City on measures that will further reduce the level of human-bear conflicts, property damage, the number of bears put down and increase public safety. Upon completion of these tasks, staff will make an application to the province for the Bear Smart designation. For Council's information the current Bear Attractants handout can be found in **Attachment 6**.

Council Strategic Plan Objectives

This initiative is consistent with the 2019-2022 Council Strategic Plan by supporting the strategic priority of Environmental Leadership by being a leader in the protection, adaptation, and enjoyment of our natural environment through stewardship, advocacy, and proactive policy.

Attachment(s)

1. Key Requirements Solid Waste Bylaw.
2. Ticketing Results 2016-2019.
3. Existing Ticket Levels.
4. Draft City of Port Moody Municipal Ticket Information Authorization Bylaw, 2016, No. 3044, Amendment Bylaw No. 11, 2019, No. 3210.
5. Bear Aware Public Education and Communication Tactics.
6. Effectively Managing Bear Attractants Information Sheet.

Report Author

Robyn MacLeod, RBO, CRBO

Manager of Building, Bylaw, and Licensing

Report Approval Details

Document Title:	Bear Management Ticketing Bylaw Changes.docx
Attachments:	<ul style="list-style-type: none">- 1 - Key Requirements Solid Waste Bylaw.pdf- 2 - Ticketing Results 2016 - 2019.pdf- 3 - Existing Ticketing Level.pdf- 4 - Draft MTIA Bylaw BL3210.pdf- 5 - Bear Aware Public Education and Communication Tactics.pdf- 6 - Effectively Managing Bear Attractants Info Sheet.pdf
Final Approval Date:	Oct 2, 2019

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Robyn MacLeod was completed by workflow administrator Tracey Takahashi

Robyn MacLeod

No Signature - Task assigned to André Boel was completed by workflow administrator Tracey Takahashi

André Boel

No Signature - Task assigned to Jeff Moi was completed by workflow administrator Tracey Takahashi

Jeff Moi

No Signature - Task assigned to Lesley Douglas was completed by workflow administrator Tracey Takahashi

Lesley Douglas

No Signature - Task assigned to Rosemary Lodge was completed by workflow administrator Tracey Takahashi

Rosemary Lodge

Paul Rockwood

Dorothy Shermer

Tim Savoie