

Considered at October 8, 2019 Regular Council Meeting



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;

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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.

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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.

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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.

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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

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Report Approval Details

Document Title:	Bear Management Ticketing Bylaw Changes.docx
Attachments:	- 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

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Attachment: Existing Solid Waste Management requirements

Key requirements under City of Port Moody Bylaw, 2016, No. 3058:

- Maintain all Collection Carts supplied to the Parcel in clean and sanitary conditions at all times
- Separate Solid Waste and place for collection into appropriate Collection Carts as designated
- Keep the Garbage and Green Waste Collection Carts supplied to the Parcel with the lid securely closed and locked, except to deposit waste or allow for collection and disposal, so as not to attract rats, vermin, and Wildlife;
- Ensure that all locks are unlocked after 5:30am and prior to 7:30am on collection days, and re-locked immediately following collection, and by no later than 8:00pm on designated collection days;
- Shall remove all Collection Carts and Glass Bins from the street or lane immediately following collection, or by no later than 8:00pm on collection days. All Garbage and Green Waste Collection Carts must be locked and stored with all other Collection Carts and Glass Bin at the side or rear yard of the front building as established under City of Port Moody Zoning Bylaw and as amended from time to time. Under no circumstances may a Collection Cart be stored at or in a front yard unless deemed necessary and authorized in writing by the General Manager.

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Attachment: Ticketing numbers 2016 - 2019

Carts Out Prior to 5:30am on Collection Day

Year	2016	2017	2018	2019 (to date)
First offence (\$50)	667	586	176	94
Second offence (\$150)	74	28	19	15
Third offence (\$500)	7	0	0	6
TOTAL	748	614	390	115

Carts Without Bear Clips Applied on Non-Collection Days:

Year	2016	2017	2018	2019 (to date)
First offence (\$50)	37	15	109	21
Second offence (\$150)	4	4	1	1
Third offence (\$500)	1	0	1	0
TOTAL	42	19	111	22

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Attachment: existing ticket levels

Bylaw Infraction	Existing Fine(s)
Deposit of Solid Waste contrary to appropriate Collection Cart: <ul style="list-style-type: none"> • Permitting materials other than Recyclables in the Recycling Cart; • Permitting materials other than Green Waste in the Green Waste Cart; or • Permitting Solid Waste Not Eligible for Regular Disposal in the Garbage cart 	1 st Offence - \$50 1 st Recurrence - \$150 Subsequent Recurrences - \$500
Leaving Collection Cart locks unlocked on non-collection days	1 st Offence - \$50 1 st Recurrence - \$150 Subsequent Recurrences - \$500
Leaving private or non-City collection cart locks unlocked on non-collection days	1 st Offence - \$50 1 st Recurrence - \$150 Subsequent Recurrences - \$500
Setting Collection Carts out for pick-up prior to 5:30am on collection days	1 st Offence - \$50 1 st Recurrence - \$150 Subsequent Recurrences - \$500

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City of Port Moody

Bylaw No. 3210

A Bylaw to amend City of Port Moody Municipal Ticket Information Authorization Bylaw, 2016, No. 3044 to update fines related to the City of Port Moody Solid Waste Bylaw, 2009, No. 2816.

The Council of the City of Port Moody enacts as follows:

1. Citation

1.1 This Bylaw may be cited as "City of Port Moody Municipal Ticket Information Authorization Bylaw, 2016, No. 3044, Amendment Bylaw No. 11, 2019, No. 3210".

2. Amendment

2.1 City of Port Moody Municipal Ticket Information Authorization Bylaw, 2016, No. 3044 is amended by replacing the Solid Waste Bylaw, No. 2816 section in Schedule 2 with the following:

Solid Waste Bylaw, No. 2816	Section(s)	Fine(s)	
Leaving Collection Cart locks unlocked on non-collection days	6.1(g)	1 st Offence	\$500.00
		1 st Recurrence	\$750.00
		Subsequent Recurrences	\$1,000.00
Leaving private or non-City collection cart locks unlocked on non-collection days	6.2(a)	1 st Offence	\$500.00
		1 st Recurrence	\$750.00
		Subsequent Recurrences	\$1,000.00
Setting Collection Carts out for pick-up prior to 5:30am on collection days	8.1(b)	1 st Offence	\$500.00
		1 st Recurrence	\$750.00
		Subsequent Recurrences	\$1,000.00

3. Severability

3.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

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Read a first time this ___ day of _____, 2019.

Read a second time this ___ day of _____, 2019.

Read a third time this ___ day of _____, 2019.

Adopted this ___ day of _____, 2019.

R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3210 of the City of Port Moody.

D. Shermer
Corporate Officer

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Attachment 5:

Bear Aware Public Education and Communication Tactics	
Key Message: Preventing adverse interactions with bears is a community-wide responsibility. The best way to keep both people and bears safe is to avoid attracting bears by managing bear attractants .	
Publications	
Focus newsletter	Approximately 12,000 newsletters are distributed to households and businesses four times per year, with seasonal bear educational messaging and managing wildlife instructions featured twice annually. The Bear Essentials Seminar is promoted in the community events section.
Port Moody Annual Calendar and Solid Waste Insert	Approximately 12,000 copies are delivered to households. The calendar includes information about bears and managing attractants in the solid waste insert as well as the main body of the calendar.
Wildlife Attractant Alert stickers	Bylaws staff attach a highly-visible Wildlife Attraction Alert sticker to solid waste carts to alert resident of a Solid Waste Bylaw infraction.
Effectively Managing Bear Attractants Tip Sheet	Hundreds of copies of this tip sheet are handed out at City events, available at City facilities, and provided to community groups who request resource information to share with their members.
Good Neighbour Guidelines	This publication includes information and tips about effectively managing wildlife attractants.
Community Guide	This comprehensive guide is printed every two years and includes information about what to do if you encounter a bear, and how to effectively manage wildlife attractants and solid waste carts
Digital Media/Media	
Social media	Regular and ongoing posts to Facebook, Twitter, and Instagram such as tips for managing wildlife attractants, what to do if you encounter a bear, and how/when to report a bear encounter to the Conservation Officer Service.
Website	Comprehensive information is available on the City's Wildlife web page about black bears, how to avoid attracting bears, what to do if you encounter a bear, and when to call Conservation Officers.
Solid Waste App messaging	The Port Moody Solid Waste App has 5,711 active subscribers. Seasonal bear messaging campaigns are held for a three-week period in May/June: "Bears are out – and so are bylaw officers"). Zone-specific service alerts are issued if collection is interrupted by bear activity.
Media Relations	Seasonal media releases are issued, promotion of the annual Bear Essentials Seminar, and ongoing responses to media inquiries.
Community Outreach	

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Community engagement at City events	City staff set up interactive and information displays and engage with residents on the topic of bears and managing attractants at Earth Day, Public Works Day, Fingerling Festival, Port Moody Community Fair, and Car-Free Day.
Annual Bear Essentials Seminar	This seminar is held at the Civic Centre as part of the <i>Port Moody Naturally</i> outreach and education program.
School visits	City staff presented Bear Essentials information to over 50 schoolchildren across five Port Moody elementary schools during Spring 2019.
Other	
Mobile billboards	The City has 4 large signage panels featuring seasonal bear messaging on the City's solid waste trucks.
Signage	"Be Bear Aware" parks and trails signage tells people what to do if they encounter a bear.

Effectively Managing Bear Attractants



Managing access to garbage and other attractants is the most important action to take to keep people and bears safe in our community.



Important Links

portmoody.ca/wildlife

For more information on the City's Bear Essential program

portmoody.ca/recycle

For more information on the City's solid waste management services, you can also call the Public Works Department at 604.469.4574

portmoody.ca/solidwateapp

Download the City's Solid Waste App and get a reminder on when to set out your carts

How you can help to keep people and bears safe

Garbage, Organics and Recycling

- Store garbage and green waste carts securely indoors, or in a bear resistant waste enclosure whenever possible.
- Ensure that carts remain securely closed with bear clips locked.
- Ensure that carts are only placed at your pick-up spot between 5:30 am and 7:30 am on your pick-up day.
- Freeze odorous food scraps until collection day.
- Rinse carts regularly to eliminate odours.
- Rinse all recycling material before placing in your recycling cart to reduce odours.
- If you have a backyard compost, maintain an odourless pile, turn regularly, and keep covered.

Fruit Trees

- Pick fruit as soon as it ripens.
- Pick up any fallen fruit daily.
- Store all harvested fruit securely indoors.

Bird Food

- Keep ground free of bird seeds.
- Limit access to birdfeeders by suspending them out of reach.
- Avoid use of birdfeeders if bears visit are frequent.

Barbeque and Freezers

- Clean barbeque grill, and remove and empty grease trap after each use.
- Cover and store barbeque in a secured area.
- Store freezers inside, not on decks or in carports.

Pet Food

- If you feed pets outside, always bring pet dishes inside and clean up any spilled pet food.
- Store pet food indoors.



604.469.4500

www.portmoody.ca/beaessentials

PORT MOODY
CITY OF THE ARTS