

TOWN OF GIBSONS
BYLAW NO. 1147, 2011

A Bylaw to ban the use of Body Gripping Traps within the Town of Gibsons

WHEREAS the Council of the Town of Gibsons deems it desirable to ban the use of leg hold, Conibear and snare traps within the Town of Gibsons Boundaries;

AND WHEREAS Section 8 of the *Community Charter* empowers a Council to regulate, prohibit and impose requirements respecting persons, property, things and activities;

NOW THEREFORE the Council for the Town of Gibsons, in open meeting assembled, enacts as follows:

1. TITLE

1.1. This Bylaw may be cited as "Town of Gibsons Ban of Body Gripping Traps Bylaw No. 1147, 2011".

2. DEFINITIONS

2.1. "**BODY GRIPPING TRAP OR DEVICE**" shall mean a trap that grips a mammal's body or body part including, but not limited to, steel-jawed leg hold traps, padded leg hold traps, conibear traps and snares.

2.1.1. Cage and box traps, nets, suitcase-type live beaver traps and common mouse and rat traps shall not be considered body-gripping traps.

2.2. "**TRAPPING**" shall mean the capture of wild or domestic animals in traps that either kill or restrain them.

2.3. "**MUNICIPALITY**" means the Corporation of the Town of Gibsons.

3. BAN OF TRAPS

3.1. No person shall use a body-gripping trap or device within the municipality.

4. PENALTY

4.1. Any person who violates the provisions of this By-Law is guilty of an offence punishable on summary conviction and is liable to a penalty of not more than \$1,000.00 and not less than \$250.00.

READ a first time this the 21st, day of June 2011
READ a second time this the 19th day of July 2011
READ a third time this the 19th day of July 2011
ADOPTED this the day of 2011

Barry J. Janyk, Mayor

Lonny Miller, Interim Corporate Officer

Certified a true copy of
"Town of Gibsons Ban of Body Gripping Traps Bylaw No. 1147, 2011"

Corporate Officer



SUBJECT: BODY GRIPPING TRAPS	SECTION: PARKS NUMBER: 6.8 PAGE 1 OF 1
ADOPTED: July 19th, 2011 REVISED:	RESOLUTION NO.:

A. Purpose

1. Conservation Officers are exempt from Trapping of Wildlife regulation under Section 86 of the Wildlife Act:
Officers exempted
86. The offence provisions of this Act and the regulations and section 9 of the Firearm Act do not apply to an officer engaged in the performance of his or her duties.
2. For Public Safety reasons Conservation Officers may deem it necessary to use “Body Gripping” traps for control of dangerous animals within the boundaries of the Town of Gibsons.
3. The Town of Gibsons Ban of Body Gripping Traps Bylaw No. 1147, 2011 states that:
No person shall use a body-gripping trap or device within the municipality.
4. The Provincial Wildlife Act will take priority over the Town of Gibsons bylaw in the event that the provincial employees deem it necessary for public safety to use “Body Gripping” traps.

B. Policy

In the event that Provincial regulations are imposed and Conservation Officers use “Body Gripping” traps they will be requested to:

1. Advise the Town of Gibsons Chief Administrative Officer or his designate the reason for, location and number of traps being used.
2. Post signage at trail entrances or public access areas to warn the public of the potential danger from the dangerous animal and the use of “Body Gripping” traps.
3. Once the animal has been captured or the “Body Gripping” traps have been removed the Conservation Officers will be asked for a brief report which will be submitted to Council for information purposes only.

C. Procedures

1. This policy will be referred to the local Conservation Officers and their cooperation solicited.
2. When Conservation Officers use “Body Gripping” traps they will be asked in writing to provide the information and the signage as noted above.

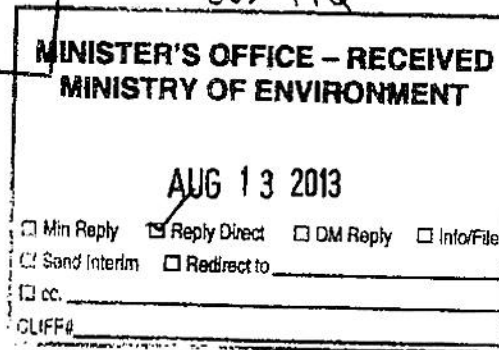
Legal Services

CRAIG MacFARLANE, City Solicitor
MAUREEN ST. CYR, Assistant City Solicitor
KELLY RAYTER, Assistant City Solicitor
ANTHONY CAPUCCINELLO, Assistant City Solicitor
PHILIP C.M. HUYNH, Assistant City Solicitor
BENJIE LEE, Assistant City Solicitor
HUGH CAMPBELL, Assistant City Solicitor

Our File: 3900-01/#11
Direct Line: (604) 591-4255

August 7, 2013

Honourable Mary Polak
Minister of Environment
P.O. Box 9047
Stn Prov Govt
Victoria, BC V8W 9E2



Dear Madam:

Re: Proposed Surrey Trapping By-law

Enclosed for your information is a copy of Corporate Report R148, brought before City Council on July 22, 2013 for consideration of a proposed Surrey Trapping By-law that, if adopted, will prohibit the use of leg-hold traps, conibear traps and snares (collectively referred to as "Body Gripping Traps"). This report has been forwarded to your office for approval prior to being brought forward to Council for the necessary readings and adoption.

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,



CRAIG MacFARLANE
City Solicitor

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Encl.



Ref: 200282

OCT 08 2013

Craig MacFarlane, City Solicitor
City of Surrey, Legal Services
14245 - 56 Avenue
Surrey BC V3X 3A2

Dear Mr. MacFarlane:

Thank you for your letter (City of Surrey file 3900-01/#11) of August 7, 2013 regarding the development of trapping bylaws by the City of Surrey. Your letter has been forwarded to this ministry, as the Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations is responsible for decisions regarding trapping bylaws as per the Community Charter. Minister Thomson has asked me to respond on his behalf, and I apologize for the delay.

As you may be aware, there are a number of other municipal governments in the province that have requested bylaw allowances from the Minister and various other trapping considerations through the Union of British Columbia Municipalities (UBCM). These requests are being considered by the Ministry with the intent that a coordinated approach will be taken. The City of Surrey will be notified once a decision on its request has been made; however, at this time I cannot state when such a decision will be made.

Please feel free to contact me if you have any further questions or concerns.

Sincerely,

Kate Craig
Senior Wildlife Policy Analyst
kate.craig@gov.bc.ca
250.387.9789

Ministry of
Forests, Lands and
Natural Resource Operations

Fish, Wildlife and
Habitat Management
Branch

Mailing Address:
PO Box 9391 Stn. Prov. Govt.
Victoria BC V8W 9M8

Phone: (250) 387-9771
Fax: (250) 387-0239
Website: www.gov.bc.ca/nro

NO: **R148**

COUNCIL DATE: **July 22, 2013**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **July 15, 2013**

FROM: **City Solicitor**

FILE: **3900-01/#11**

SUBJECT: **Proposed Surrey Trapping By-law**

RECOMMENDATION

The Legal Services Division recommends that Council:

1. Receive this report as information;
2. Endorse-in-principle the "Surrey Trapping By-law" (the "By-law") as documented in Appendix "A" of this report;
3. Endorse-in-principle the amendments to the Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as amended (the "MTI By-law"), as documented in Appendix "B" of this report, which if adopted will allow for enforcement of the By-law by means of MTI ticketing;
4. Direct staff to forward to the Minister of Environment a copy of the proposed By-law for approval and a copy of this report as information; and
5. Subject to the Minister of Environment approving the proposed By-law, direct staff to bring forward for the required readings and consideration of adoption the proposed By-law and the related amendments to the MTI By-law.

INTENT

The purpose of this report is to bring forward for consideration a proposed Surrey Trapping By-law that, if adopted, will prohibit the use of leg-hold traps, conibear traps and snares (collectively referred to as "Body Gripping Traps") in Surrey and related amendments to the Surrey Municipal Ticket Information Utilization By-law (the "MTI By-law") to allow for the use of MTI tickets in enforcing the provisions of the Surrey Trapping By-law.

BACKGROUND

On October 3, 2011, a delegation from The Association for the Protection of Fur-Bearing Animals presented its request for Surrey to adopt a by-law banning the use of Body Gripping Traps. The delegation cited a variety of reasons including the cruelty of such

traps to animals and their impact on public safety. It also cited several cases of domestic animals being injured and/or killed by such traps.

On April 23, 2012, a delegation from the BC Trapper's Association presented to Council its position that most of the issues associated with trapping raised in the media and by animal activist organizations are the result of property owners attempting to deal with animal issues without using sanctioned traps or proper methods. They advised that trapping is already regulated by the Province and any municipal by-law would be a duplication of that legislation.

Currently, trapping is regulated under the Province's *Wildlife Act*, R.S.B.C. 1996, c. 488 and its regulations (the "*Wildlife Act*"). The *Wildlife Act* regulates the use of traps and the areas where traps may be set, and provides a system of licensing for trappers. A person who contravenes the provisions of the *Wildlife Act* may be prosecuted and, if convicted, may be liable to monetary fines and/or imprisonment. The *Wildlife Act* does not prohibit the use of all Body Gripping Traps. The proposed By-law intends to further limit the use of such traps in Surrey.

DISCUSSION

Although trapping is regulated under the *Wildlife Act*, Surrey may enact a by-law that addresses traps, provided that compliance with the proposed By-law does not result in a contravention of the *Wildlife Act* and provided it meets the requirements of the *Community Charter*, S.B.C. 2003, c. 26, (the "*Community Charter*").

In view of the concerns raised by the public about Body Gripping Traps, staff has drafted a proposed By-law to prohibit the use of all body-gripping traps in Surrey. The proposed by-law is attached to this report as Appendix "A".

Pursuant to Section 8(3)(k) of the *Community Charter*, Council may, by by-law, regulate, prohibit, and impose requirements in relation to animals; however, the *Community Charter* provides that a by-law that relates to wildlife must not be adopted unless it is either approved by the Minister of Environment, in accordance with a regulation, or in accordance with an agreement with the Minister of Environment. There is currently no regulation or agreement which permits the proposed By-law.

The Government of British Columbia is exempted from the application of the proposed By-law so that its work to capture animals under its mandate is not impeded; however, the By-law Enforcement & Licensing Section intends to work with the Province's Conservation Officer Service such that the City is informed when and where Body Gripping Traps are being used by the Conservation Officer Service; to have the Service post signs at locations where traps are being used to warn the public of the traps; and to have Body Gripping Traps identified as belonging to the Conservation Officer Service.

In relation to the City's own operations from time to time animals need to be captured that are causing nuisance in relation to City infrastructure. In those circumstances staff hires licensed trappers to trap such animals in a humane manner with cage-type traps that are designed to not injure animals or people. Once such animals are captured typically they are relocated so as to eliminate the nuisance. The By-law exempts the City from its

provisions but this is being done out of an abundance of caution and not with any intention of using body-gripping traps.

After adoption of the proposed By-law, staff of the By-law Enforcement & Licensing Section will work with and communicate to the public the requirements of the By-law and the dangers of using Body Gripping Traps.

Amendments are proposed to the Surrey MTI By-law, as documented in Appendix "B" attached to this report that will allow for enforcement of the provisions of the proposed By-law using MTI tickets. The provisions of the By-law can also be enforced by means of long form charges through the Courts.

CONCLUSION

Based on the above discussion, the Legal Services Division recommends that Council:

- Endorse-in-principle the "Surrey Trapping By-law" (the "By-law") as documented in Appendix "A" of this report and as generally described in this report;
- Endorse-in-principle the amendments to the Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as amended (the "MTI By-law"), as documented in Appendix "B" of this report, which if adopted will allow for enforcement of the By-law by means of MTI ticketing;
- Direct staff to forward to the Minister of Environment a copy of the proposed By-law for approval and a copy of this report as information; and
- Subject to the Minister of Environment approving the proposed By-law, direct staff to bring forward for the required readings and consideration of adoption the proposed By-law and the related amendments to the MTI By-law.

CRAIG MacFARLANE
City Solicitor

KM/BL

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Appendix "A" – Proposed Surrey Trapping By-law

Appendix "B" – Proposed Amendments to the Surrey Municipal Ticket Information By-law

APPENDIX "A"

CITY OF SURREY

BY-LAW NO. _____

A by-law to regulate, prohibit and impose requirements respecting the use of body gripping traps or devices.
.....

- a) WHEREAS the Council of the City of Surrey wishes to enact a by-law to regulate, prohibit and impose requirements respecting body gripping traps or devices for animals and wildlife;
- b) AND WHERAS body gripping traps may pose a risk to the safety of animals not intended to be caught by such traps and devices and to humans;

Under its statutory powers, including Section 8(3)(k) of the *Community Charter*, S.B.C. 2003, c. 26, as amended, the Council of the City of Surrey enacts as follows:

- 1. This By-law may be cited for all purposes as "Surrey Trapping By-law, 2013, No. _____."
- 2. In this By-law:

"Animal" includes any wildlife or animal;

"Body Gripping Trap" means a trap or device that is designed or used to capture an animal by its body or body parts, including but not limited to, leg-hold traps, conibear traps, and snares, except cage traps, box traps, nets, suitcase type traps and mouse and rat traps;

"City" means the City of Surrey;

"Government of British Columbia" has the same meaning as in the *Interpretation Act*, R.S.B.C. 1996, c. 238, as amended;

"Person" includes an individual, association, corporation, firm, body politic, co-partnership, or similar organization and their heirs, executors, successors and assigns or other legal representatives, whether acting alone or by a servant, agent or employee;

"Wildlife" has the same meaning as in the Definition of "Wildlife" Regulation, B.C. Reg. 427/2003, as amended; and

"*Wildlife Act*" means the *Wildlife Act*, R.S.B.C. 1996, c. 488, as amended.

- 3. No Person shall use or suffer or permit to be used a body gripping trap within the City.
- 4. Section 3 of this By-law shall not apply to the use of body gripping traps by the City and the Government of British Columbia or their employees, agents, or officers.
- 5. Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention of this By-law or who neglects to do or refrains from doing any act or thing which violates any of the provision of this By-law shall

be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.

- 6. Any person who violates any of the provisions of this By-law shall, upon summary conviction, be liable to a penalty of not less than \$250 and not more than \$10,000 plus the cost of the prosecution, or to a term of imprisonment not exceeding six (6) months, or both.
- 7. This By-law comes into force and takes effect on _____ day of _____ 2013.

PASSED FIRST READING on the _____ day of _____, 2013.

PASSED SECOND READING on the _____ day of _____, 2013.

PASSED THIRD READING on the _____ day of _____, 2013.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ day of _____, 2013.

_____MAYOR

_____CLERK

APPENDIX "B"

CITY OF SURREY

BY-LAW NO. _____

A by-law to amend the provisions of "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508," as amended.

.....

The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508," as amended is hereby further amended as follows:
 - a) By deleting the words "Schedules 2 through 31" and replacing them with the words "Schedules 2 through 32" in Sections 3 and 4.
 - b) By inserting a new Section 31 in Schedule 1 as follows:
 - 31. Surrey Trapping By-law, 2013, - Manager, By-law & Licensing Services
No. _____ - Senior By-law Enforcement Officer
- By-law Enforcement Officer
- Pound Keeper
- Assistant Pound Keeper
- Member of the Royal Canadian Mounted Police
 - c) By inserting a new Schedule 32 attached hereto.
- 2. This By-law shall be cited for all purposes as "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, Amendment By-law, 2013, No. _____."

PASSED FIRST READING on the ____ day of _____, 2013.

PASSED SECOND READING on the ____ day of _____, 2013.

PASSED THIRD READING on the ____ day of _____, 2013.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the ____ day of _____, 2013.

_____MAYOR

_____CLERK

SCHEDULE 32 TO BY-LAW NO. 12508

<u>SURREY TRAPPING BY-LAW, 2013, No.</u>	<u>SECTION</u>	<u>FINE</u>
1. Use of Body Gripping Trap	3	\$500.00