

*City Clerk's Copy*

THE CORPORATION OF THE CITY OF PORT COQUITLAM

ENVIRONMENTAL PROTECTION COMMITTEE

MINUTES

A meeting of the Environmental Protection Committee was held in the City Administrator's Office on Thursday May 21, 1987 at 4:00 p.m..

Personnel in Attendance:

Alderman M.D. Gates, Chairman  
Alderman M. Wright, P. Eng., Co-Chairman  
T.M. Chong, P. Eng., Deputy City Engineer  
Gary Taccogna, Federal Fishing Enhancement Officer  
Susan Latimer, Provincial Fishing Habitat Technician  
Rob Eldridge, Provincial Fishing Habitat Technician

CONFIRMATION OF MINUTES

Recommended:

That the minutes of the meeting of the Environmental Protection Committee held on Thursday, May 7, 1987 be taken as read and adopted.

Carried

ITEM I: TRACKING OF TOXIC OR HAZARDOUS SUBSTANCES

This item has been tabled since the Fire Chief was unable to attend and make his presentation.

ITEM II: BAKER CREEK PRESERVATION

The Provincial and Federal Fisheries Representatives discussed the present state of Baker Creek. They advised the Committee that recent checks of this creek indicated the presence of coho, cut-throat, spring and chum species. They also advised that the Ministry of Highways will be dredging out the lower end of the creek from the north end of the culverts beneath the Bypass to the Pitt River. This work is necessary to remove the accumulation of silt. In response to the question from the Committee, the Fisheries Representatives made the following recommendations to enhance the ability of the creek to rear fish:

- a. Maintain all existing vegetation within the 10 metre buffer zone on both sides of the creek undisturbed if possible.
- b. The existing fish-rearing habitat built by the Ministry of Highways should be kept intact as much as possible. This would mean that the dams and in-stream modifications recently made by Mr. Kroeker should be removed.
- c. The City can improve public awareness, re: the sensitivity of this creek to deleterious substances by the erection of signs.
- d. Prior to making an in-stream or adjacent creek bank modifications, the Fisheries Representative should be consulted.
- e. All in-stream work shall be done between the periods of July 15 to September 15, 1987.

MAY 21 1987

The Committee thanked the Provincial and Federal Fisheries Representatives from the briefing. Alderman Gates advised that being the Co-Chairman of the Parks and Recreation Committee, he will raise this item at their next meeting and advise the Parks and Recreation Director to ensure that the Provincial and Federal Fisheries Representatives are consulted during the planning stages for Marian Kroeker's park.

ITEM III: CERTIFICATES OF APPRECIATION - LITTER CLEAN-UP CAMPAIGN 1987

The Committee reviewed the various groups who participated in the Clean-Up Campaign. T. Chong advised that he still has not heard back from Ms. Lynda Watkin of the Divisional Girl Guides as to how many different groups in her organization participated. The Committee resolved to:


- a. Make presentations of Certificates of Appreciation at the next convenient Council Meeting to:
  - (i) R.C.S.C.C. Grilse
  - (ii) Burke Mountain Girl Guides (various groups when known)
  - (iii) PoCo Hunting and Fishing Club
- b. Send Certificates of Appreciation to:
  - (i) Hope Lutheran Youth Group
  - (ii) Central Elementary School
  - (iii) Hastings Junior Secondary School
  - (iv) Lincoln Elementary School
  - (v) Viscount Elementary School
  - (vi) Westwood Elementary School
  - (vii) Mary Hill Elementary School
  - (viii) Hazel Trembath Elementary
  - (ix) Leigh Elementary School

ITEM IV: SPILL CONTAINMENT KIT

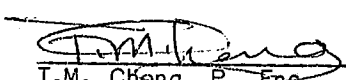
T. Chong showed the Committee a catalogue of various items available on the market to contain accidental spills. The committee approved the purchase of several of these items which amounts to approximately \$1,300.

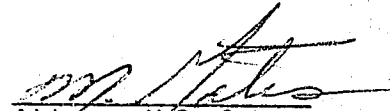
ITEM V: OTHER BUSINESS

- a. The memo from the Bylaw Enforcement Officer dated May 20, 1987, re: Amendment to Bylaw No. 1020 was deferred for discussion until Mr. Criggie is available to present his case.
- b. Alderman Gates stated that he received a complaint that there are several red pools existing at the east end of the Patricia footbridge. T. Chong and Alderman Gates will visit the site to investigate this the next day.
- c. Alderman Gates advised that he spoke again to Gerry St-Germain, M.P. regarding the likelihood of federal funding for a consultant's study on cleaning up the Coquitlam River. Alderman Gates was advised that letters should once again be sent to as many influential politicians, both federal and provincial, as possible reminding them of the urgency of this work. T. Chong cautioned that this may be another tactic used by St-Germain to defer the pursuing of this matter actively on his part.

  
MAY 21 1987


The Meeting Adjourned at 6:20 p.m.

  
T.M. Chong, P. Eng.,  
Deputy City Engineer/  
Operations Manager

  
Alderman M.D. Gates,  
Committee Chairman

NOTE: Minutes not read and adopted by the Committee until certified correct by the Committee Chairman's signature.

cc Mayor and Aldermen  
City Administrator  
City Clerk  
City Engineer

  
MAY 21 1987

*Attachment*

THE CORPORATION OF THE CITY OF PORT COQUITLAM

MEMORANDUM

TO: Alderman M. Gates  
Environmental Protection Commity Chairman

FROM: R.G. Criggie  
Chief Licence Inspector/Bylaw Enforcement Officer

DATE: May 20, 1987

---

RE: Ammendment to Bylaw #1020, Animal Control Bylaw  
for the City of Port Coquitlam.

Amendment as per suggested by the City Solicitor  
Grant Anderson, control of snakes, rats and mice in a  
residential zone. We feel that sub-section A, more than  
four snakes and sub-section B, a total of more than 4  
rats, mice, and other rodents. See attached correspondence.

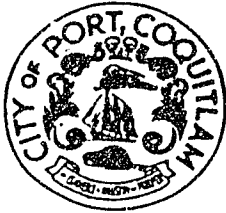
---

R.G. Criggie  
Chief Licence Inspector  
Bylaw Enforcement Officer

c.c.- T. Chong  
Deputy City Engineer/Operations Manager

- *Benson*

*[Signature]*  
MAY 21 1987



OUR FILE

## THE CORPORATION OF THE CITY OF PORT COQUITLAM

2272 McALLISTER AVENUE  
PORT COQUITLAM, B.C.  
V3C 2A8

FILE: BL

TELEPHONE: 941.5411

May 5, 1987

Lidstone, Young, Baker & Anderson,  
Barristers & Solicitors,  
Suite 1607 - 808 Nelson Street,  
Box 12147, Nelson Square  
Vancouver, B.C.  
V6Z 2H2

ATTENTION: Mr. Grant Anderson

Dear Grant:

Re: Health Bylaw No. 908 - Your File No. 201

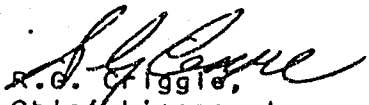
It has been brought to my attention by way of a complaint that a Mr. Larry Moor of 1491 Pitt River Road is harbouring and breeding etc., a large quantity of "Snakes" of all kinds in his basement.

On April this year Mr. Bill Boleele, Vector Control Biologist, Simon Fraser Health Unit and I attended at 1491 Pitt River Road and spoke with Mr. Moor. An inspection of the basement showed snakes in cages kept for breeding and rats and mice kept in adjacent room for the purpose of breeding to feed the snakes. This was admitted by Mr. Moor that he has approximately 150 snakes of all kinds and 100 rats and mice.


As the health Bylaw No. 908 has no provision nor does it mention anything about keeping of snakes I would therefor suggest a section and amendment to this Bylaw No. 908 to limit the number of snakes in a residential zone and also breeding of rats and mice in a RS-1 Zone.

I look forward to your suggestion and reply.

Yours very truly,

  
R.G. Griggie,  
Chief Licence Inspector/  
Bylaw Enforcement Officer

RGC/al  
c.c. R.A. Freeman  
City Clerk

  
MAY 21 1987

LIDSTONE, YOUNG, BAKER & ANDERSON  
BARRISTERS & SOLICITORS

Suite 1607 - 808 Nelson Street  
Box 12147, Nelson Square  
Vancouver, B.C. V6Z 2H2

Telephone: (604) 689-7400  
Telecopier: (604) 689-3444

May 14, 1987

Mr. Ronald G. Criggie  
Chief Bylaw Enforcement Officer  
City Hall  
Port Coquitlam, B.C.  
V3C 2A8

COPY

Dear Ron:

Re: Regulation of Snakes and Rodents  
Our File No. 19-S-117

Further to your letter of May 5, 1987, we have considered the methods available to the City to regulate the keeping of snakes, rats and mice, and in particular the situation involving Mr. Moore's property at 1491 Pitt River Road.

We have reviewed "Public Health Bylaw, 1969, No. 908" and have found no provision in that Bylaw which regulates the keeping of snakes, rats or mice. Accordingly, there is no basis for charging Mr. Moore with a violation of the health bylaw.

In order to deal with Mr. Moore's activities and any similar situations which arise in the future, we recommend an amendment be made to the "Pound and Animal Regulation Bylaw, 1970, No. 1020" under Section 933 of the Municipal Act R.S.B.C. 1979, c. 290 (the "Act"). In both French v. North Saanich (1911) 16 B.C.R. 106 (B.C. Supreme Court) and R. v. Mould (1920) 52 D.L.R. 302 (B.C. Court of Appeal) the Court stated it was doubtful that health regulation powers may be used to limit the number of animals on a property or to regulate animals otherwise than by prohibiting unsanitary or unhealthful conditions associated with animals. Similarly, it was held in French v. North Saanich that a municipality's nuisance regulation powers are not applicable to prohibition or regulation of animals, as even a "menagerie" is not automatically a nuisance.

However, Section 933(1)(d) of the Act empowers Council to "regulate or prohibit":

"(d) the keeping of dogs, horses, cattle, sheep, goats, swine, rabbits or other animals, and define areas in which they may be kept or may not be kept;"

Under Section 1 of the Act, regulating includes limiting and restricting, so the number of animals kept may be restricted.

MAY 21 1987

If Council wishes to proceed with restrictions, an amendment to Bylaw No. 1020 could be made in the following terms:

"OTHER ANIMALS

31 A. No person shall keep:

- (a) more than four snakes; and
- (b) a total of more than four rats, mice, and other rodents

on any parcel of land in the City, other than on premises licenced as a pet shop."

Council may wish to add other types of animals to this regulation as well. Also, it should be confirmed that "pet shop" is a business classification in the business licence bylaw.

It is probable that the foregoing regulation would be applicable to Mr. Moore even though he now has a large number of snakes in his home. In Peters v. District of Chilliwack (Unreported, B.C. Supreme Court, Vancouver Registry No. A860491, April 11, 1986) it was held that a bylaw under Section 933(1)(d) is not a zoning bylaw, even though it may differentiate areas for the purpose of regulating animals.

Accordingly, the doctrine of lawful non-conformity as set out in Section 970 of the Act would likely not apply and Mr. Moore would thus have no acquired right to keep more than the permitted number of snakes, rats and mice. Even if Mr. Moore successfully argued that keeping snakes is a use of land which could be protected by the doctrine of non-conformity, it is not a land use which is permitted in the residential zone governing his property.

The better view is that a bylaw under Section 933(1)(d) regulates Mr. Moore's conduct rather than the use of his land, and thus he would be required to alter his conduct to comply with new regulations.

Sincerely,

LIDSTONE, YOUNG, BAKER & ANDERSON

*(Grant Anderson)*

GRANT ANDERSON

cc: Mr. Bryan R. Kirk, City Administrator  
✓ Mr. Ronald A. Freeman, City Clerk

COPY

*(Signature)*  
MAY 21 1987