



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: April 28, 2006
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VanRIMS No.: 08-4000-11
Meeting Date: May 16, 2006

TO: City Council

FROM: Chief License Inspector

SUBJECT: Amendment of Business Prohibition By-Law - Inhumane Rodeo Practices and Modernization of Language

RECOMMENDATION

- A. THAT Council approve amendments to the Business Prohibition By-law which prohibit competitions, exhibitions, performances, events or other situations where certain inhumane rodeo practices are performed and modernize the By-law's language.
- B. THAT Council authorize the Director of Legal Services to bring forward the appropriate by-law amendments to the Business Prohibition By-Law generally as set out in the draft by-law attached as Appendix A.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the above recommendations noting that on October 6, 2005, Council approved in principle the prohibition of inhumane rodeo activities and practices in the City.

COUNCIL POLICY SUMMARY

There is no applicable Council policy.

PURPOSE

Further to Council's approval in principle of the prohibition of certain inhumane rodeo activities and practices in the City, staff was instructed to report back concerning appropriate amendments to City by-laws. This report responds to Council direction by identifying the Business Prohibition By-Law as the mechanism by which to prohibit certain identified inhumane rodeo practices and activities.

BACKGROUND

On January 18, 2005, Council directed an inquiry to staff concerning whether there is currently a ban on rodeos in the City and if not, whether consideration could be given to the possibility of banning rodeos. This inquiry was the result of the Vancouver Humane Society bringing this issue to Council's attention. Staff's review of the issue revealed that although there has not been a rodeo held in the City for quite some time, there are certain cruel and inhumane practices used in rodeos that Council may want to ensure never take place in Vancouver.

On October 6, 2005, a report on the new Animal Control By-Law was presented to Council and included arguments both for and against the prohibition of certain inhumane rodeo events, along with a list of such activities and practices. At the meeting, Council resolved to approve in principle the prohibition of the inhumane rodeo activities and practices identified in the report and instructed staff to report back with appropriate amendments to City by-laws. At the time, the Vancouver Humane Society was in full support of this resolution.

Since the October 6, 2005 Council meeting, Council and staff have received further information from the Vancouver Humane Society reconfirming its support for the City to proceed with the prohibition of the inhumane rodeo activities and practices identified in the Animal Control By-Law report.

PUBLIC CONSULTATION

On June 27, 2005, city staff met with a number of animal welfare and advocacy groups to discuss the new Animal Control By-Law report which included a section on the prohibition of certain inhumane rodeo practices and activities. Representatives from BC SPCA, Canadian Kennel Club, UBC Animal Welfare Program, Vancouver Humane Society, Vancouver Dog Owners Association and the British Columbia Veterinary Medical Association were all present at this meeting. The inhumane rodeo activities and practices identified for prohibition were supported by all representatives in attendance.

DISCUSSION

In researching appropriate amendments to City by-laws required to prohibit certain inhumane rodeo activities and practices, staff recognized that "rodeo" is a very broad term used to describe a public competition or exhibition in which a wide range of skills associated with horses, cows and goats are displayed for the viewing public. Many activities/practices held in conjunction with a rodeo are performed for the enjoyment of the viewing public and cause no harm to the animals or performers involved. The by-law mechanism selected to achieve the required prohibitions must not interfere with these innocuous activities.

In consideration of the above recognition, the optimal mechanism by which to prohibit inhumane rodeo activities became the Business Prohibition By-Law. This By-Law was enacted to prohibit the carrying on of certain businesses, trades, professions and other occupations in Vancouver. Including the inhumane rodeo activities into the Business Prohibition By-Law ensures that any business, trade, profession or other occupation in the City of Vancouver is prohibited from undertaking the specified activities. Furthermore, it ensures that the prohibition is not specifically linked to the business of a "rodeo" as many activities/practices associated with "rodeos" could be supported.

A copy of the draft amendment to the Business Prohibition By-Law is included in Appendix A. Legal Service staff have also modernized the By-Law and standardized its language; a routine task undertaken when such opportunity arises.

CONCLUSION

Further to Council's October 6, 2005 approval in principle of the prohibition of certain inhumane rodeo activities and practices, this report proposes the use of the Business Prohibition By-Law to achieve the required prohibition. In addition to these amendments, the Business Prohibition By-Law has also been modernized and its language standardized.

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BY-LAW NO. _____

**A By-law to amend Business Prohibition By-law No. 5156
regarding inhumane practices and modernization of language**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law repeals or amends the indicated provisions and schedules of the Business Prohibition By-law.
2. From the first line, Council strikes out “open meeting assembled”, and substitutes “public meeting”.
3. Council repeals sections 1 to 5, and substitutes:

“Name of By-law

1. The name of this By-law, for citation, is the “Business Prohibition By-law”.

Schedules

2. The schedules attached to this By-law form part of this By-law.

Severability

3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

Business prohibition

4. A person must not carry on any business, trade, profession, or other occupation set out and described in Schedule A to this By-law.

Business license prohibition

5. Despite anything to the contrary in the License By-law or any other by-law, a person must not apply for, and has no right to issuance of, a business license authorizing the carrying on of any business, trade, profession, or other occupation set out and described in Schedule A to this By-law.

Offences under By-law

6. A person who:
 - (a) violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this By-law;
 - (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
 - (c) suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under this By-law.

Fine for offence

7. Every person who commits an offence against this By-law is punishable on conviction by a fine of not more than \$2,000.00 for each offence.

Fine for continuing offence

8. Every person who commits an offence of a continuing nature against this By-law is liable to a fine not exceeding \$50.00 for each day such offence continues.

Force and effect

9. This By-law is to come into force and take effect on the date of its enactment."
4. From the last line, immediately before the signature block, Council strikes out "DONE AND PASSED in open", and substitutes "ENACTED by".
5. From the signature block, Council strikes out "MAYOR" and "DEPUTY CITY CLERK", and substitutes "Mayor" and "Deputy City Clerk".
6. From Schedule "A", Council:
 - (a) strikes out 'Schedule "A" ', and substitutes "SCHEDULE A"; and
 - (b) strikes out "synonymical" wherever it appears, and substitutes "synonymous".

7. To Schedule A, Council adds:

5. Calf or goat roping or tie-down roping A competition, exhibition, performance, event, or other situation in which a person ropes and restrains a calf or goat, or attempts to rope and restrain a calf or goat, in order to tie, or attempt to tie, some or all of the calf's or goat's legs together.
6. Horse tripping A competition, exhibition, performance, event, or other situation in which a person causes, or attempts to cause, a horse to trip and fall to the ground.
7. Steer busting A competition, exhibition, performance, event, or other situation in which a person ropes a steer's horn, or attempts to rope a steer's horn, and causes, or attempts to cause, the steer to turn over and fall to the ground, in order to tie, or attempt to tie, some or all of the steer's legs together.
8. Steer wrestling A competition, exhibition, performance, event, or other situation in which a person moves from a horse onto a steer, or attempts to move from a horse onto a steer, and twists the steer's neck, or attempts to twist the steer's neck, in order to cause, or attempt to cause, the steer to fall to the ground.
9. Use of electric prods or other shocking devices A competition, exhibition, performance, event, or other situation in which a person administers, or attempts to administer, volts of electricity to an animal by means of an electric prod.

10. Use of bucking or flank straps, sticks, whips, spurs, or wire tie-downs
- A competition, exhibition, performance, event, or other situation in which a person:
- (a) fastens, or attempts to fasten, around an animal's flank area a bucking or flank strap, meaning any belt, rope or other material, in order to cause or encourage the animal to buck;
 - (b) kicks, or attempts to kick, an animal with a spur or spurs, meaning any spike or wheel with points attached to a person's shoes, boots, or heels; or
 - (c) ties, or attempts to tie, to the halter or bridle placed around a horse's head, and secures or attempts to secure, to the girth strap or saddle placed on a horse, a wire tie-down, meaning any cable, cord, or other material, in order to cause the horse to point its nose down.
11. Use of caustic ointments
- A competition, exhibition, performance, event, or other situation in which a person applies, or attempts to apply, to an animal a caustic ointment, meaning any substance that causes the animal to suffer inflammation, irritation, pain, or discomfort.
12. Use of forcible handling techniques including hitting, poking, kicking, roping, tail twisting, or raking
- A competition, exhibition, performance, event, or other situation in which a person hits, pokes, kicks, or attempts to hit, poke, or kick, an animal, twists, or attempts to twist, the tail of an animal, or rakes or moves, or attempts to rake or move, spurs against or across an animal's body.

8. Council amends the margins, indentations, and underlining of the Business Prohibition By-law as set out in Appendix A attached to and forming part of this By-law.

9. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2006

Mayor

City Clerk

APPENDIX A

BY-LAW NO. 5156

A By-law to prohibit the
carrying on of sundry businesses,
trades, professions, and other occupations

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

Name of By-law

1. The name of this By-law, for citation, is the "Business Prohibition By-law".

Schedules

2. The schedules attached to this By-law form part of this By-law.

Severability

3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

Business prohibition

4. A person must not carry on any business, trade, profession, or other occupation set out and described in Schedule A to this By-law.

Business license prohibition

5. Despite anything to the contrary in the License By-law or any other by-law, a person must not apply for, and has no right to issuance of, a business license authorizing the carrying on of any business, trade, profession, or other occupation set out and described in Schedule A to this By-law.

Offences under By-law

6. A person who:

- (a) violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this By-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (c) suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under this By-law.

Fine for offence

7. Every person who commits an offence against this By-law is punishable on conviction by a fine of not more than \$2,000.00 for each offence.

Fine for continuing offence

8. Every person who commits an offence of a continuing nature against this By-law is liable to a fine not exceeding \$50.00 for each day such offence continues.

Force and effect

9. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 11th day of April, 1978.

(signed) _____ John J. Volrich
Mayor

(signed) _____ R. Henry
Deputy City Clerk

SCHEDULE A

Type of business, trade, profession,
or other occupation

General Description

1. "Nude Encounter", or any synonymous word or phrase.

A discussion session engaged in between a representative of the business and a customer for which a fee is paid to such representative and either one or both parties thereto are unclothed, or any activities substantially similar thereto.
2. "Outcall Body Massage Service", or any synonymous word or phrase.

The offering or providing of a Body-rub as defined in By-law No. 4450 (being the License By-law), at any place other than premises licensed as a Body-Rub Parlour pursuant to By-law No. 4450.
3. "Erotic telephone call service", or any synonymous word or phrase.

The offering or providing of a discussion of sex in an erotic, lewd, or lascivious manner, such discussion to take place via the telephone and for a fee.
4. Parking enforcement by means of a wheel locking device.

The installation of a device which, when attached to one or more wheels, immobilizes a motor vehicle without the express consent of the owner of the motor vehicle.
5. Calf or goat roping or tie-down roping.

A competition, exhibition, performance, event, or other situation in which a person ropes and restrains a calf or goat, or attempts to rope and restrain a calf or goat, in order to tie, or attempt to tie, some or all of the calf's or goat's legs together.

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6. Horse tripping. A competition, exhibition, performance, event, or other situation in which a person causes, or attempts to cause, a horse to trip and fall to the ground.
7. Steer busting. A competition, exhibition, performance, event, or other situation in which a person ropes a steer's horn, or attempts to rope a steer's horn, and causes, or attempts to cause, the steer to turn over and fall to the ground, in order to tie, or attempt to tie, some or all of the steer's legs together.
8. Steer wrestling. A competition, exhibition, performance, event, or other situation in which a person moves from a horse onto a steer, or attempts to move from a horse onto a steer, and twists the steer's neck, or attempts to twist the steer's neck, in order to cause, or attempt to cause, the steer to fall to the ground.

9. Use of electric prods or other shocking devices.

A competition, exhibition, performance, event, or other situation in which a person administers, or attempts to administer, volts of electricity to an animal by means of an electric prod.

10. Use of bucking or flank straps, sticks, whips, spurs, or wire tie-downs.

A competition, exhibition, performance, event, or other situation in which a person:

(a) fastens, or attempts to fasten, around an animal's flank area a bucking or flank strap, meaning any belt, rope or other material, in order to cause or encourage the animal to buck;

(b) kicks, or attempts to kick, an animal with a spur or spurs, meaning any spike or wheel with points attached to a person's shoes, boots, or heels; or

(c) ties, or attempts to tie, to the halter or bridle placed around a horse's head, and secures or attempts to secure, to the girth strap or saddle placed on a horse, a wire tie-down, meaning any cable, cord, or other material, in order to cause the horse to point its nose down.

11. Use of caustic ointments.

A competition, exhibition, performance, event, or other situation in which a person applies, or attempts to apply, to an animal a caustic ointment, meaning any substance that causes the animal to suffer inflammation, irritation, pain, or discomfort.

12. Use of forcible handling techniques including hitting, poking, kicking, roping, tail twisting, or raking.

A competition, exhibition, performance, event, or other situation in which a person hits, pokes, kicks, or attempts to hit, poke, or kick, an animal, twists, or attempts to twist, the tail of an animal, or rakes or moves, or attempts to rake or move, spurs against or across an animal's body.