Fraser Valley Regional District

CORPORATE REPORT

To: CAO for the Regional and Corporate Services Committee
Date: 2019-05-09
From: Stacey Barker, Director of Regional Services
File No: 3920-20

Subject: Animal Control Regulation Amendment Bylaw No. 1527, 2019

RECOMMENDATION

THAT the Fraser Valley Regional District consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Animal Control Regulation Amendment Bylaw No. 1527, 2019.*

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The Fraser Valley Regional District's (FVRD) Animal Control Regulation Bylaw No. 1206, 2013 outlines the regulatory requirements for the control and care of dogs within the City of Abbotsford, the City of Chilliwack, the District of Mission, the District of Kent, and the Village of Harrison Hot Springs. Recommendations for amending this bylaw arise from time to time in order to provide updates, clarifications, or distinctions.

DISCUSSION

When issued a fine for a contravention under the Animal Control regulatory bylaw, one is given the opportunity to dispute the ticket by presenting their case to an independent adjudicator. This mechanism is facilitated through the Upper Fraser Valley Bylaw Adjudication System. Animal Control Officers have been present on a few occasions when the lack of clarity of certain terms in the bylaw has resulted in a ticket not being upheld. In some cases due to the lack of penalty it resulted in the dog owner continuing with unsafe practices.

Therefore, through the proposed amendment, clarity has been added to several contraventions that support the intent of the ticket so that there is a better chance of a ticket being upheld. These changes will provide greater clarity to the dog owner, the Screening Officers, the Adjudicators, and public in general. This will also assist staff with clarity on the evidence they are required to gather.

Also in the proposed amendment, staff has separated out the section of the bylaw that refers to dogs that kill other dogs. This allows for the implementation of greater fines for attacks that result in mortality.

The management of aggressive dogs, specifically in transport or transition between house and vehicle, has also been clarified. Now, if an aggressive dog is leaving its enclosure or house to be put into a vehicle, or from its house to its enclosure, it must be muzzled. Also, if the aggressive dog is in a vehicle it must be muzzled. Unfortunately, situations have occurred where an aggressive dog during transition to a vehicle or an enclosure has escaped, or while in a vehicle has jumped out of the window.

The proposed amendment also provides for a greater time period for an owner to prepare an appeal if their dog has been designated as "aggressive" under the bylaw. During this time period dog owners must still abide by the restrictions, but the extra time will allow dog owners the ability to gather information and have all questions addressed by Animal Control, allowing them a reasonable period to submit an appeal.

Lastly, the proposed amendment clarifies the FVRD's ability to regulate aviaries and apiaries. The FVRD can only regulate the presence of animals within these structures and not the structures themselves. It also allows the FVRD the ability to intervene when someone is hording or breeding certain animals within their home that are not necessarily being kept in an aviary.

Proposed amendments to Bylaw No. 1206, 2013 are summarized in the following table:

Section	Amendment	Rationale
B	Add a definition for "aggressively pursue or harass"	Clarification
B	Add an additional clause to the definition of an "enclosure" so that a house may be considered as an enclosure	Clarification
15	Change *Guide Animal Act* to *Guide Dog and Service Dog Act*	Update
16, 17, 18, 36, 39	Change "permit or allow" to " must ensure"	Clarification
17	Separate out "kill" from "attack, bite, kill or cause injury" and have it added as its own prohibition.	To allow for greater fines for attacks that result in mortality.
23	Change the period of time dog owners can appeal an aggressive dog designation from 10 days to 30 days.	To allow more time for dog owners who wish to submit an appeal.
24	Amend the language so it reflects the concurrent amendment to the definition of "enclosure" to include a house.	Update
35	Amend the language from prohibiting "an aviary or apiary, except as permitted pursuant to all applicable zoning and other regulations" to prohibiting "animals typically requiring the presence of an aviary or apiary…"	To provide consistency that the bylaw is intended to regulate animals, not structures (with the exception of enclosures).

A follow-up amendment to the *Fraser Valley Regional District Bylaw Offence Notice Enforcement Bylaw No. 1415, 2017* will be brought forward to a subsequent Board meeting. This amendment will reflect the proposed changes to Section 17 of this animal control bylaw that relate to higher penalties that may be issued following a dog attack that has resulted in death to another dog.

COST

n/a

CONCLUSION

The proposed amendments will provide greater clarity for enforcement officers and the public, will allow additional time for dog owners receiving notice of an aggressive dog designation to prepare and submit an appeal, and will allow for greater fines to be issued for dogs that attack and kill another dog compared to one that simply bites or causes an injury.

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

No further financial comments.

Jennifer Kinneman, Acting Chief Administrative Officer

Reviewed and supported.