

To: CAO for the Electoral Area Services Committee

Date: 2019-06-11

From: Stacey Barker, Director of Regional Services

File No: 3920-20

Subject: Electoral Area Animal Control Regulation Amendment Bylaw No. 1531, 2019

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Electoral Areas Dangerous and Aggressive Dog Regulation Amendment Bylaw No. 1531, 2019*.

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BACKGROUND

The Fraser Valley Regional District's (FVRD) *Electoral Areas Dangerous and Aggressive Dog Regulation Bylaw No. 1247, 2013* outlines the regulatory requirements for the designation and control of dangerous and aggressive dogs within Electoral Areas D, E, G, and H. Recommendations for amending this bylaw arise from time to time in order to provide clarifications, administrative updates, and continuity with related bylaws.

DISCUSSION

The bylaw describes how aggressive dogs are to be properly contained and cared for to ensure public safety. If violations of the bylaw are identified, fines may be issued. Owners of aggressive dogs receiving these tickets may dispute the ticket by presenting their case to an independent adjudicator 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 it resulted in the dog owner continuing with unsafe practices.

Through the proposed amendments, clarity has been added to so that there is a better chance of a ticket being upheld and public safety ensured. These changes will provide greater clarity to the dog owner, to the Screening Officers, to the Adjudicators, and to the 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, allowing 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. 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 changes make it clear that if an aggressive dog is leaving its enclosure or house to be put into a vehicle, or is being moved from its house to its enclosure, it must be muzzled. Also, if the aggressive dog is in a vehicle it must be muzzled.

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 prior to submitting the appeal.

Lastly, the proposed amendments modernize the bylaw so it remains consistent with the updated terminology and requirements utilized within the FVRD's regulatory bylaw that applies within member municipalities (Bylaw #1206, 2013). These changes include clarifying definitions and providing housekeeping amendments to remove specific citation of Sections in legislation.

Proposed amendments to Bylaw No. 1247, 2013 are summarized in the following table:

Section	Amendment	Rationale
B	Clarify the definition of "aggressive dog" to remove potential confusion with use of the term "while running at large"	Clarification
B	Add a definition for "aggressively pursue or harass"	Clarification
B	Amend the definition of "animal control officer" to provide a more thorough description	Update
B	Clarify the definition of "at large" to better define where a dog might be located to be considered as at large	Clarification
B	Update the definition of "Chief Animal Control Officer" to reflect the legal purposes of this position	Update
B	Add a more complete description of an "enclosure" so better describes a structure where an aggressive dog can be held	Clarification and Update
B	Add a definition of "impound" to reduce possible uncertainty	Clarification
1	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 causing death
2	Change the period of time dog owners can appeal an aggressive dog designation from 10 days to 30 days.	To allow more time for owners to submit an appeal
6	Amend the language so it reflects the concurrent amendment to the definition of "enclosure" to include a house.	Update
18, 21, 23	Remove unnecessary references to specific sections within the Community Charter or the Local Government Act	Update

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 1 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 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, will allow for greater fines to be issued for dogs that attack and kill another dog compared to one that simply causes an injury, and updates the bylaw definitions to remain consistent with the FVRD's Animal Control Regulation Bylaw No. 1206, 2013.

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

No further financial comments.

Jennifer Kinneman, Acting Chief Administrative Officer

Reviewed and supported.