



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: General Purposes Committee
FROM: Sandra Tokarczyk
Manager, Community Bylaws and Administration
RE: DOG REGULATION BYLAW AMENDMENTS

To General Purposes - Oct 2, 2000
DATE: September 21, 2000
FILE: 8060-20-7164/7165/716

STAFF RECOMMENDATION

That:

1. Bylaw No. 7164 which amends the Animal, Bird & Beekeeping Regulation Bylaw No. 7137 be given first, second, and third readings.
2. Bylaw No. 7165 which amends the Dog Licensing Bylaw No. 7138 be given first, second, and third readings.
3. Bylaw No. 7166 which amends the Municipal Ticket Information Authorization Bylaw No. 7139 be given first, second, and third readings.

Sandra Tokarczyk
Manager, Community Bylaws and Administration

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Budget	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

STAFF REPORT

ORIGIN

This report addresses various issues relating to dogs. They are: licensing and impoundment fees, an additional preventative dangerous dog measure, and the new Provincial Dangerous Dog legislative changes.

The City, through its dog licensing and animal regulation bylaws, sets the rates for the licensing of dogs, impoundment and daily maintenance fees for all animals kept at the Richmond animal shelter. The fees are being reviewed because:

- Council endorsed the following Companion Animal Task Force recommendation:

“That staff review, with the SPCA, the City of Richmond’s dog licence fees and compare them to other cities ensuring a large differential between animals that have been spayed or neutered and animals that have not.”

- The impoundment and daily maintenance fees rates were last amended eight years ago in May 1992.
- An opportunity exists to penalize, through impoundment fees, irresponsible dog owners who fail to:
 - secure their vicious dog and risk public safety.
 - secure their “open” (un-spayed / un-neutered) dog and create potential opportunities for unwanted dog population increase.

The recent adoption by the Province of the dangerous dog legislation has created an opportunity to strengthen our existing bylaw wording. Adoption of the new legislation into local bylaws is required by the Province in order to utilize the various authorities. Administratively we will be taking advantage of creating consistency in terminology within our Municipal bylaws and the Provincial legislation.

ANALYSIS

City and SPCA staff have reviewed the dog licence, impoundment and maintenance fees and have compared them against other Lower Mainland cities (refer to Attachment 1). Changes are recommended to the dog licence and impoundment fees with no changes to the daily maintenance fees.

Dog Licence Fees

Richmond’s current licence fees are generous in that they provide for:

- a reduced licence fee rate if paid before March 1st of the current year;
- a significant reduction in licence rates for dogs that have been neutered or spayed;
- a 50% reduction in licence rates for seniors*; and
- a free licence for dogs under six months of age.

* Langley is the only other municipality to offer a licence fee discount for seniors.

Exemptions: puppies under the age of 8 weeks; assistance dogs; dogs kept in a licensed commercial hobby/dog kennel; animals under the Livestock Protection Act; and other City's valid annual dog licences.

Richmond's "open" (un-spayed/un-neutered) dog licence rates are low in comparison to a number of other local cities. A \$10.00 increase would keep Richmond in line with various other local communities and is in keeping with the Companion Animal Task Force recommendation. The following table summarizes the current fees and shows the proposed rate change.

	CURRENT LICENCE FEES		PROPOSED CHANGES	
	Paid before March 1	Paid on or after March 1	Rates	Comments
Natural (open)	\$36.00	\$40.00	\$46/\$50	up \$10.00
Spayed or Neutered	\$16.00	\$20.00	\$16/\$20	no change
Replacement Tag	\$5.00	\$5.00	\$5	no change

Impoundment Fees

It has been eight years since the impoundment and daily maintenance fees have been reviewed. Dog impoundment fees are incremental based on a first, second, third and subsequent impoundment in any given year. The rates for dogs are differentiated and currently tiered by: neutered/spayed; open; and vicious.

Richmond's current impoundment fees and suggested new rates are shown below:

Impoundment	Neutered/Spayed	Open	Vicious
first	\$20 new \$40	\$30 new \$80	\$200 new \$500
second	\$30 new \$80	\$50 new \$160	\$500 new \$1000
third	\$100 new \$160	\$100 new \$320	\$1000 deleted
additional fee equal to the licence fee*	\$15 new \$20	*waived if licence purchased.	

The suggested impoundment fee changes create a larger gap between fixed and open dogs and also recognizes the difference and degree of community concern. Fines double after each offence.

A greater penalty is seen in the area of vicious dogs and is limited to two impoundments. If a vicious dog is picked up for a third time, the Court process would be introduced to address the problem.

No changes to the daily animal maintenance fees. The SPCA have indicated that they are sufficient to address the dietary needs of the bird and various animals.

Dog Confinement

Some dog owners fail to ensure that their dog is securely confined to their premises. The proposed bylaw (Section 2.2.4.1 Bylaw 7164) introduces the requirement of securely confining the dog to the premises. This change is a preventative measure and has a corresponding MTI fine of \$100.00. It is felt that most dog owners would rather spend the \$100 repairing their fence than paying the ticket.

Provincial Dangerous Dog Legislation

Staff have reviewed the new legislation and are presenting the suggested changes in the appended bylaws for adoption. Those changes are highlighted as follows:

1. **Definitions – changed for consistency purposes:**
 - a) The City's MTI, Dog Licensing, and Animal Regulation bylaws have been amended to adopt the Provincial terminology of "dangerous" vs. "vicious".
 - b) "Companion", "Domestic", and "Animal" definitions have been added or amended in our bylaws thereby aligning them with the Provincial definitions.
2. **Dangerous Dog Definition** – an additional Provincial clause has been added to strengthen our current dangerous dog definition as follows:

"(b) Any dog that an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person."
3. **Additional Provincial Sections**

Sections 7.3.5 through to 7.3.13 were added to our Animal Regulation Bylaw 7164 in order to include some of the new Provincial sections. Their intent is summarized below:

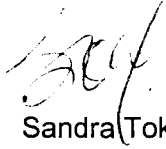
 - 7.3.5 – excludes dogs as "dangerous" if the dog was acting while in the course of: a) attempting to prevent a person from committing an unlawful act or b) performing law enforcement work.
 - 7.3.6 & 7 – sets out impoundment, entry, and seizure rights.
 - 7.3.8, 9, 10, 11 – sets out the warrant and entry process.
 - 7.3.12 – outlines the dog destruction process.
 - 7.3.13 – identifies maximum impoundment timeframes.

FINANCIAL IMPACT

The increase in licence and impoundment fee revenue would be realized by the SPCA (per the City's contract). The one change in the licence fee would be implemented with the 2001 dog licence billing cycle. The changes to the impoundment fee would be effective upon bylaw adoption. MTI fine revenues are retained by the City.

CONCLUSION

The bylaw changes presented recognize the community's concern around the issue of responsible dog ownership and provide where possible stiffer financial penalties and preventative measures intended for irresponsible dog owners.



Sandra Tokarczyk
Manager, Community Bylaws and Administration

Fee Comparison Vancouver Regional Branch

	Abb	Bby	Coq	Delta	Lang		M.R.**	N.Van		Rich	Poco	Pomo	Sry*	Van**
					Town	City		City	Dist					
License Fees														
Spay/late	22.50	17.85/25	20/30.00	10/15.00	14/24.00	25.00	15/31.00	17.00	17.00	16/20.00	15/25.00	15.50	25.00	24/34.00
Senior/late					7/17.00	20.00				8/10.00				
Open/late	45.00	46/50.00	35/45.00	40/50.00	43/53.00	50.00	42/58.00	59.00	59.00	36/40.00	30/40.00	31.00	45.00	44/54.00
Senior/late					22/32.00	20.00				16/20.00				
Dangerous/Vicious				300.00								257.50	200.00	
Impound Fees														
Lic - 1	35.00	31.60	40.00	40.00	25.00	25.00	30.00	30.00	30.00	20.00	60.00	25.00	25.00	70.00
Lic - 2	70.00	63.25	55.00	80.00	100.00	100.00	50.00			30.00	75.00		75.00	100.00
Lic - 3	105.00	127.50	75.00	80.00	150.00	150.00	70.00				100.00		200.00	130.00
Lic - 4			150.00	80.00									500.00	
Unlic - 1	50.00	63.25	70.00	50.00	50.00	50.00	60.00	50.00			60.00	40.00	50.00	131.00
Unlic - 2	100.00	127.50	80.00	100.00	100.00	100.00					75.00			
Unlic - 3	150.00	190.00	100.00	100.00	150.00	150.00					100.00			
Unlic - 4			200.00	100.00							200.00			
Danger - 1	150.00	112.20	200.00	200.00	300.00		250.00			200.00	250.00	1000.00	1000.00	260.00
Danger - 2	150.00	224.50	500.00	200.00	350.00		500.00			500.00	500.00		5000.00	
Danger - 3	150.00		1000.00	200.00	400.00					1000.00	100.00			
Board Fees														
Board Fees	5.00	8.00	6.00	6.00	5.00	5.00	5.00	5.00	5.00	5.00	6.00	5.00	7.00	10.00
Livestock														
Impound 1	30.00	20.00	35.00	40.00	50.00					30.00	35.00	20.00	10.00	20.00
Impound 2	60.00		50.00											
Board Fee	8.00	4.00	20.00	6.00	5.00					7.00	20.00	1.00	5.00	
Other														
Impound 1	10.00	25.00	10.00	25.00						0.25	10.00	1.00	5.00	
Impound 2	20.00													
Board Fee	5.00	3.10	2.50	6.00						0.50	2.50	0.25	3.00	

*If a dog is impounded and unlicensed the license fee is \$90.00 and meets the classification of potentially dangerous. A dog impounded 3 times within a 24 month period is automatically a dangerous dog and the fine is \$1000.00. A licensed dog impounded must be either microchipped or tattooed or the fine is increased to 100.00. An unlicensed dog that is impounded must be either microchipped or tattooed or the fine is increased to 150.00. Microchipping is performed at the Shelter for \$40.00.

**City of Vancouver and City of Maple Ridge offer a 50% discount on Licensing after August 1.

CITY OF RICHMOND
**ANIMAL, BIRD & BEEKEEPING REGULATION, BYLAW NO. 7137
AMENDMENT BYLAW NO. 7164**

The Council of the City of Richmond enacts as follows:

1. The definition of "**VICIOUS DOG**" in Part Eight is deleted in its entirety and substituted with the following:

DANGEROUS DOG

means:

- (a) any **dog** that has killed or injured:

(i) a person, or

(ii) a **companion animal** or **domestic animal** while **running at large**; or

- (b) any **dog** that an **Animal Control Officer** has reasonable grounds to believe is likely to kill or seriously injure a person;

- (c) any **dog** that aggressively harasses or pursues a person or **companion animal** or **domestic animal** while **running at large**; or

- (d) any **dog** owned, primarily or in part, for the purpose of dog fighting or that is trained for dog fighting; or

- (e) a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, or any **dog** of mixed breeding which includes any of these breeds; or any **dog** which has the appearance and physical characteristics predominantly conforming to the standards for any of the above breeds.

2. Part Eight is amended by adding the following definitions:

COMPANION ANIMAL

means an animal kept as a pet or as a guide animal

DOMESTIC ANIMAL

means an animal that is

- (a) tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for the use of people, and

- (b) designated by order of the Lieutenant Governor in Council to be a domestic animal,
(as defined in the *Livestock Protection Act*)
3. The definition of “**ANIMAL**” in Part Eight is amended by adding to the end of the definition “and includes **companion animal** and **domestic animal**”.
 4. The definition of “**DOMESTIC (FARM) ANIMAL**” in Part Eight is amended to read “**DOMESTIC FARM ANIMAL**” and all references in the bylaw to “**domestic animal**” are deleted and substituted with “**domestic farm animal**”.
 5. All references to “**vicious dog**” are deleted and substituted with “**dangerous dog**”.
 6. Subsection 2.2.4 is amended as follows:

2.2.4 Owner Obligations – Confinement

2.2.4.1 Every **owner** of a **dog** must ensure that such **dog**, while on the premises **owned** or controlled by the **owner**, is securely confined to the premises.
 7. Subsection 2.2.4.1 is re-numbered subsection 2.2.4.2.
 8. The title of Part 7.3 is amended by deleting “Dogs Running at Large” and substituting “Dogs”.
 9. Part 7.3 is amended by adding the following sections:

7.3.5 Before exercising the power under subsection 7.3.4, in the case of a **dog** that has acted as described in clause (a)(i) or (a)(ii) of the definition of **dangerous dog**, the **Animal Control Officer** must consider whether the **dog** was acting while in the course of

 - (a) attempting to prevent a person from committing an unlawful act, or
 - (b) performing law enforcement work.

7.3.6 Subject to the provisions of this Part, an **Animal Control Officer** may seize a **dog** if the officer believes on reasonable grounds that the **dog** is a **dangerous dog**.

7.3.7 Subject to subsection 7.3.10, an **Animal Control Officer** may enter a place to **impound a dangerous dog**

 - (a) with the consent of the owner, or
 - (b) in accordance with a warrant issued under subsection 7.3.8 or 7.3.9, or
 - (c) in accordance with subsection 7.3.10.

- 7.3.8 A justice who is satisfied by evidence given under oath or affirmation that there are reasonable grounds to believe that there is in a place a **dog** that
- (a) has killed or seriously injured a person,
 - (b) is likely to kill or seriously injure a person, or
 - (c) has killed or seriously injured a **companion animal** or **domestic animal**,
- may issue a warrant authorizing an **Animal Control Officer** to enter and search the place and to seize the **dog**.
- 7.3.9 If it is impracticable for an **Animal Control Officer** to appear personally before a justice to apply for a warrant in accordance with subsection 7.3.8, the **Animal Control Officer** may apply for a warrant in accordance with section 22 of the *Offence Act*.
- 7.3.10 Subject to subsection 7.3.11, an **Animal Control Officer** may, without a warrant, enter and search any place except a dwelling house and seize a **dog** if the **Animal Control Officer** believes on reasonable grounds that
- (a) the **dog** is a **dangerous dog**,
 - (b) the **dog** presents an imminent danger to the public, and
 - (c) the purpose of seizing the **dog** cannot reasonably be accomplished if the **Animal Control Officer** is required to obtain a warrant.
- 7.3.11 For the purposes of subsection 7.3.10, an **Animal Control Officer** who is not a police officer or special provincial constable appointed under the *Police Act* must be accompanied by a police officer.
- 7.3.12 In addition to the authority under section 8 of the *Livestock Protection Act*, an **Animal Control Officer** may apply to the Provincial Court for an order that a **dog** that the officer has reasonable grounds to believe is a **dangerous dog** be destroyed in the manner specified in the order.
- 7.3.13 A **dangerous dog** seized pursuant to this bylaw may not be **impounded** for more than 21 days unless proceedings under subsection 7.3.12 or section 8 of the *Livestock Protection Act* are commenced within that time.
10. Part 7.4 is amended by adding the following section:
- 7.4.3 The charging of impoundment fees under clause (b) of subsection 7.4.1 in no way affects, derogates from or takes away from the ability to exercise the authority provided in subsection 7.3.12 to apply for an order that a **dog** be destroyed.
11. Clause (b) of subsection 7.4.1 is amended by deleting the words "Section 1" and substituting "Sections 1 and 2".

- 12. Subsection 7.4.2 is amended by deleting the words "Section 1(c)" and substituting "Section 2".
- 13. Subsection 7.6.1 is amended by deleting the words "Section 2" and substituting "Sections 1 and 2".
- 14. Subsection 7.6.2 is amended by deleting the words "Section 3" and substituting "Sections 1 and 2".
- 15. All references to the *Municipal Act* are deleted and substituted with *Local Government Act*.
- 16. Schedule A to Bylaw No. 7137 is deleted and replaced with the Schedule A which is attached and forms a part of this bylaw.
- 17. This bylaw is cited as "**Animal, Bird & Beekeeping Regulation Bylaw No. 7137, Amendment Bylaw No. 7164**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

	CITY OF RICHMOND
	APPROVED for content by originating dept.
	APPROVED for legality by Solicitor

MAYOR

CITY CLERK

SCHEDULE A to BYLAW NO. 7164

1. IMPOUNDMENT FEES

a. Dogs

- | | | |
|-------|---|-------|
| (i) | FIRST impoundment in any calendar year: | |
| | Neutered Male or Spayed Female Dog | \$40 |
| | Non-Neutered or Unspayed Dog | \$80 |
| (ii) | SECOND impoundment in any calendar year: | |
| | Neutered Male or Spayed Female Dog | \$80 |
| | Non-Neutered or Unspayed Dog | \$160 |
| (iii) | THIRD and subsequent impoundments in any calendar year: | |
| | Neutered Male or Spayed Female Dog | \$160 |
| | Non-Neutered or Unspayed Dog | \$320 |

b. Dangerous Dogs**

- | | | |
|------|--|-----------|
| (i) | FIRST impoundment in any calendar year: | \$500** |
| (ii) | SECOND and subsequent impoundments in any calendar year: | \$1,000** |

****Subject always to the power set out in section 7.3.12 to apply for an order that a dog be destroyed.**

c. Unlicensed Dogs

In addition to the fees payable under Sections 1 and 2 (if applicable), a further impoundment fee of \$20.00 will be charged for an **unlicensed dog**, plus the amount of the required current licence, where such **dog** is not currently licenced.

d. Birds

Per bird	\$0.25
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e. Other Animals

Per animal	\$30
	plus transportation costs

2. MAINTENANCE FEES

a. Dogs And Cats

For each day or portion of the day, per **animal** \$5

b. Birds

Per bird \$0.50

c. Other Animals

For each day or a portion of a day, per **animal** \$7

CITY OF RICHMOND
DOG LICENCING BYLAW NO. 7138,
AMENDMENT BYLAW NO. 7165

The Council of the City of Richmond enacts as follows:

1. All references to “**vicious dog**” are deleted and replaced with “**dangerous dog**”.
2. The definition of “**vicious dog**” contained in Part Four is deleted in its entirety and replaced with the following:

DANGEROUS DOG

means:

- (a) any **dog** that has killed or injured:
 - (i) a person, or
 - (ii) a **companion animal** or **domestic animal** while **running at large**; or
 - (b) any dog that an **Animal Control Officer** has reasonable grounds to believe is likely to kill or seriously injure a person;
 - (c) any **dog** that aggressively harasses or pursues a person or **companion animal** or **domestic animal** while **running at large**; or
 - (d) any **dog** owned, primarily or in part, for the purpose of dog fighting or that is trained for dog fighting; or
 - (e) a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, or any **dog** of mixed breeding which includes any of these breeds; or any **dog** which has the appearance and physical characteristics predominantly conforming to the standards for any of the above breeds.
3. Schedule A to Bylaw No. 7138 is deleted and Schedule A, which is attached and forms a part of this bylaw, is substituted, effective January 1, 2001.

4. This bylaw is cited as **“Dog Licencing Bylaw No. 7138, Amendment Bylaw No. 7165”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

_____	CITY OF RICHMOND

_____	APPROVED for content by originating dept.
_____	APPROVED for legality by Solicitor

MAYOR

CITY CLERK

SCHEDULE A TO BYLAW NO. 7165**SCHEDULE OF FEES**

	Paid Before March 1 of current year	Paid on or after March 1 of current year
1. Male or female dog	\$46.00	\$50.00
2. Neutered or spayed dog	\$16.00	\$20.00
3. Replacement tag or each dog tag lost or stolen or for each dog licence to replace a valid dog licence from another jurisdiction .	\$ 5.00	\$5.00

CITY OF RICHMOND
MUNICIPAL TICKET INFORMATION AUTHORIZATION
BYLAW NO. 7139,
AMENDMENT BYLAW NO. 7166

The Council of the City of Richmond enacts as follows:

1. All references to "vicious dog" in Schedule B 1 are deleted and replaced with "dangerous dog".
2. Schedule B 1 is amended by deleting the offence of "Failure to control vicious dog" and substituting the following:

Offence	Bylaw Section	Fine
Failure by owner to confine dog	2.2.4.1	\$100
Failure by owner to control dangerous dog	2.2.4.2 (a), (b)	\$200

3. This bylaw is cited as "**Municipal Ticket Information Authorization Bylaw No. 7139, Amendment Bylaw No. 7166**".

FIRST READING

SECOND READING

THIRD READING

APPROVED BY THE CHIEF JUDGE OF THE
PROVINCE OF BRITISH COLUMBIA

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK