




City of Richmond

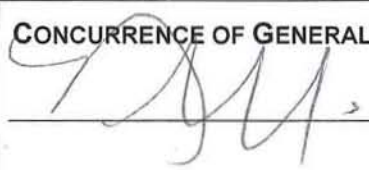
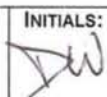
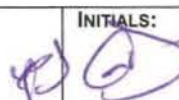
Report to Committee To CS - MAR. 12, 2013

To: Community Safety Committee **Date:** January 25, 2013
From: Phyllis L. Carlyle **File:**
General Manager, Law & Community Safety
Re: Animal Control Program - Enhanced Welfare and Regulation

Staff Recommendation

1. That the proposed amendments to the City's Animal Control Regulations related to dogs and other animals, as presented in the report titled Animal Control Program – Enhanced Welfare And Regulation from the General Manager, Law & Community Safety (dated January 25, 2013) be endorsed;
2. That Animal Control Regulation Bylaw No. 7932, Amendment Bylaw No. 8961 be introduced and given first, second and third reading;
3. That Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 8966 be introduced and given first, second, and third reading; and
4. That Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 8962 be introduced and given first, second, and third reading.


Phyllis L. Carlyle
General Manager
(604.276.4104)

REPORT CONCURRENCE			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Law	<input checked="" type="checkbox"/>		
RCMP	<input checked="" type="checkbox"/>		
REVIEWED BY DIRECTORS	INITIALS: 	REVIEWED BY CAO	INITIALS: 

Staff Report

Origin

On September 24, 2012, Council approved the following motion: *That Council direct staff to include an unattended, anti-tethering clause in the Animal Control Regulation Bylaw No. 7932 and ask that an amendment bylaw be drafted accordingly.*

In addition, this report contains a number of proposed amendments to the Animal Control Regulation Bylaw No. 7932, to ensure animal owners are responsible for their pets.

Analysis

Welfare of Animals

Animal Control Regulation Bylaw No. 7932 currently prohibits the use of choke collars and chains to be used to secure animals, but does not address the length of tether or the period of time permitted. To better protect animals, an amendment is proposed to address the type of collar or tether used, the length of tether, and a limitation of 1 hour for any unattended tethering. The intent is to prevent the suffering of animals within the municipality. Clearly specifying the type of collar and tether as well as length to be used will assist to eliminate choking caused by an animal straining while tethered. A limitation on the length of time that an animal can be tethered will ensure that animals are not physically harmed from prolonged tethering to a fixed object.

A review of five municipalities near the City of Richmond found that three of the five municipalities have some form of an animal “tethering bylaw”. These bylaws place varying restrictions on the type of collar and tether and the length of time an animal’s movements can be restricted. The municipalities used in this comparison are listed below.

Municipality	Restrictions
City of Abbotsford	No tethering provision.
The Corporation of Delta	<p>Yes – in addition to requiring that an animal not be left unattended while tethered, Delta’s Animal Control Bylaw 6893 has provisions as follows:</p> <p>Section 35: Every person who keeps a <i>domestic animal</i> must provide it with: (d) the opportunity for exercise sufficient to maintain good health, including the opportunity to be untethered and exercised regularly under appropriate control.</p> <p>Section 37: No person may cause, permit or allow an animal:</p> <p>(a) to be hitched, tied, or fastened to a fixed object where a <i>choke collar</i> forms part of the securing apparatus, or where a rope or cord is tied directly around the animal’s neck;</p>

	<p>(b) to be hitched, tied or fastened to a fixed or heavy object where the securing device fails to allow the animal the ability to turn around freely and to easily stand, sit and lie in a normal position.</p> <p>(c) cause, an animal to be tethered, tied or fastened to a fixed or heavy object for more than 4 hours within a 24 hour period while it is on the property of the person responsible for the animal;</p>
The Township of Langley	No tethering provisions stipulated.
The City of Surrey	Surrey does not have anti-tethering legislation however the Surrey Dog Licencing and Control Bylaw 6037 Section 25 stipulates that no person shall cause a dog to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the dog's neck on to a choke collar.
City of Vancouver	Yes - Vancouver's Animal Control Bylaw 9150 Section 5.2 stipulates that a person who keeps a dog, or a person who has care, custody or control of a dog, must not tie or fasten a dog to a fixed object by using a choke collar or choke chain or by tying a rope, chain, or cord directly around the dog's neck.

Staff believe that the proposed bylaw amendment not only equates to or exceeds the above provisions found in other municipalities, but also appropriately addresses this issue for the City of Richmond.

An additional amendment for the securing and transportation of animals in vehicles is recommended to enhance animal safety. The existing bylaw does not provide an effective and measureable standard for confining an animal while in transport. The proposal would help to ensure animal safety while in transport by stipulating that the animal be in a fully enclosed travel cage that is securely fastened to the vehicle if the animal is transported in the uncovered, exterior part of a vehicle.

Additional Regulations Regarding Dogs and Dangerous Dogs

An amendment limiting the length of leashes for dangerous dogs, by ensuring that the leash for controlling a dangerous dog is no longer than 1.2 metres, would provide dog owners with more control of their dogs while in public and hence improve community safety. The proposed amendment would also require the owner as defined in the bylaw to be a responsible adult of 19 years of age or older.

A further recommendation is to permit dogs on contract with the City to be off-leash while conducting wildlife control duties. This exemption would also apply to police or other law enforcement dog handlers in the course of their duties using police dogs for law enforcement and/or training.

To assist Animal Control Officers in their investigative duties, Council is requested to consider an addition to the bylaw which would require an owner in possession of any dog in violation of the bylaw to stop, fully identify themselves, and provide documentation confirming their identity. Currently there are no provisions in the bylaw that require this cooperation, and as a result Animal Control Officers' investigations are frequently hampered.

Definitions Amendments

Several additions and minor amendments to the definitions portion of the bylaw are provided for consideration. These changes primarily align definitions with the earlier bylaw amendments and the recommendations contained in this report.

The following is an explanation of the definition changes that have been included in the proposed amendment to Animal Control Regulation Bylaw No. 7932:

ANIMAL CONTROL OFFICER will include a **police officer**, as well as Bylaw Enforcement Officers employed by the City and animal control officers employed by the City's animal control contractor.

CHOKE COLLAR is defined to mean a slip collar or chain that may constrict around the neck of an animal as a result of pulling on one end of the collar or chain.

CONTRACTOR is changed to add the duties of licensing of all dogs, including dangerous dogs, and the issuing of tickets, violations and fines under the Municipal Ticket Information Authorization Bylaw No. 7321 and Notice of Bylaw violation Dispute Adjudication Bylaw No. 8122, per the contract with the City's animal control contractor.

MAINTENANCE FEES definition is changed from "Schedule A" to "as set from time to time in the Consolidated Fees Bylaw No. 8636", as the fees are now identified in the Consolidated Fees Bylaw.

RUNNING AT LARGE (CAT) and **RUNNING AT LARGE (DOG)** are combined into one definition, which reads as follows:

RUNNING AT LARGE means any one of the following:

- (a) for a **cat** or **dog**, being elsewhere than confined on the premises of the **owner**, while not on a **leash** and not in the immediate and effective control of an **owner**;
- (b) for a **cat** or **dog**, being on any property without the consent of the owner or occupier of that property;
- (c) for a **dog**, being in a **designated dog off-leash area**, where permitted, but not under the immediate and effective control of an owner; or

- (d) for a **dangerous dog**, means any **dangerous dog** which is not confined or controlled in compliance with requirements of subsection 2.3.4.2.

Off-Leash Areas for Dogs

In an effort to address demand and over-crowding in off-leash areas, particularly during the summer months, a bylaw amendment has been included to add the Woodward's Slough Park area, located at the south end of Garden City Road, as a permitted area for the use of licensed professional dog walkers. This area would be an addition to the existing area at McDonald Park.

In January 2011, a temporary fenced off-leash area was installed at the west end of Steveston Park. The area has been popular with local dog owners and has helped reduce the number of off-leash dogs in other, less appropriate areas in the park. Public response to this amenity has been favourable, and the Steveston Community Society supports moving forward with this feature as a designated off-leash area. In early 2013, signage will be erected to identify this fenced area as a designated off-leash area and minor improvements to the site will be funded through the parks general development fund.

Requests from residents in the Dover Park area for a similar trial of a fenced off-leash area have been received by Parks staff. Staff plan to engage in a public consultation process, and to implement a six month trial of a fenced off-leash area in Dover Park in the spring of 2013.

Violations and Related Fines

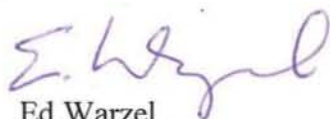
Also included in the bylaw amendments are provisions to move the violations and fines related to animal control regulation from the Municipal Ticket Information Authorization Bylaw No.7321 and Provincial Court jurisdiction to the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 under the jurisdiction of the City's program. The adjudication program has proven to be extremely efficient, successful, and convenient; and this amendment would further expand the program and its benefits.

Financial Impact

There is no financial impact associated with this report.

Conclusion

The amendments in the proposed bylaw would assist in further promoting animal welfare and responsible animal ownership within the City.



Ed Warzel
Manager, Community Bylaws
(604.247.4601)



Serena Lusk
Manager, Parks Programs
(604.233.3344)



**Animal Control Regulation Bylaw No. 7932,
Amendment Bylaw No. 8961**

The Council of the City of Richmond enacts as follows:

1. Animal Control Regulation Bylaw No. 7932, as amended, is further amended, at PART ONE by deleting section 1.1.1 and substituting the following:
 - 1.1.1 A person must not cause any **animal** or bird:
 - (a) to be hitched, tied or fastened to a fixed object:
 - (i) where a **choke collar** forms part of the securing apparatus;
 - (ii) where the securing apparatus is less than 3 metres in length; or
 - (iii) for a period longer than 1 hour in any 6 hour period;
 - (b) to be confined in an enclosed space, including a vehicle, without adequate ventilation;
 - (c) to be transported in the uncovered, exterior part of any vehicle except when confined to a fully-enclosed cage designed for travel and where the cage is securely fastened to the vehicle.
2. Animal Control Regulation Bylaw No. 7932, as amended, is further amended, at PART TWO by deleting subsection 2.3.2.1 and substituting the following:
 - 2.3.2.1 Except as provided for in section 2.3.5 and in section 2.3.6, every **owner** of a **dog**:
 - (a) must keep such **dog** on a **leash** at all times while on any street or in any public place; and
 - (b) may not permit their **dog** to **run at large**.
3. Animal Control Regulation Bylaw No. 7932, as amended, is further amended, at PART TWO by deleting section 2.3.4, in its entirety, and substituting the following:
 - 2.3.4 Owner Obligations – Confinement

2.3.4.1 Subject to the limitations of section 1.1.1, 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.

2.3.4.2 Every **owner** of a **dangerous dog** must:

- (a) ensure that such **dangerous dog** is not allowed on any street or in any public place, or any other place that is not **owned** or controlled by that person, unless such **dangerous dog** is:
 - (i) on a **leash** not longer than 1.2 metres; and
 - (ii) **muzzled**; and
 - (iii) under the care and control of an **owner** who is 19 years of age or older; and
- (b) subject to the limitations of section 1.1.1, keep such **dangerous dog** securely confined at all times, either indoors or in an **enclosure**, while the **dangerous dog** is on the premises owned or controlled by such person.

4. Animal Control Regulation Bylaw No. 7932, as amended, is further amended, at PART TWO by deleting subsection 2.3.5.2(a) and substituting the following:

2.3.5.2 (a) No owner may have more than three (3) **dogs** off-leash at any one time, except an **owner** who is a professional dog walker with a valid **off-leash permit** may have up to six (6) **dogs** off-leash in the **designated dog off-leash areas** within McDonald Park and Woodward's Slough Park.

5. Animal Control Regulation Bylaw No. 7932, as amended, is further amended, at PART TWO by deleting subsection 2.3.5.3 and substituting the following:

2.3.5.3 Every **owner** of a **dog** must immediately **leash a dog** when the **dog** exhibits **aggressive behaviour**.

6. Animal Control Regulation Bylaw No. 7932, as amended, is further amended, at PART TWO by adding the following after section 2.3.5:

2.3.6 Exemption

2.3.6.1 The provisions under section 2.3.2.1 and subsection 2.3.5.3 do not apply to an **owner** of a **dog** that is conducting wildlife control duties in accordance with a valid contract with the **City** or a **dog** being utilized by law enforcement officers for duties or training related to law enforcement.

7. Animal Control Regulation Bylaw No. 7932, as amended, is further amended, at PART EIGHT by adding the following after section 8.3.13:

8.3.14 Upon request by an **Animal Control Officer**, the **owner** of a **dog** or **dangerous dog** which is in contravention of any provision of this bylaw

must stop and provide to the **Animal Control Officer** photo identification showing his or her full name and current address.

8. Animal Control Regulation Bylaw No. 7932, as amended, is further amended, at PART NINE by deleting the definitions of ANIMAL CONTROL OFFICER, CONTRACTOR, MAINTENANCE FEES, RUNNING AT LARGE (CAT) and RUNNING AT LARGE (DOG) and adding the following definitions, in alphabetical order:

ANIMAL CONTROL OFFICER means:

- (a) a person employed by the City as a Bylaw Enforcement Officer; or
- (b) a person employed by the **Contractor** to undertake animal control services; or
- (c) a **police officer**.

CHOKE COLLAR

means a slip collar or chain that may constrict around the neck of an **animal** as a result of pulling on one end of the collar or chain.

CONTRACTOR

means the person, firm or society with whom the **City** has entered into an agreement for:

- (a) the management and operation of an **animal shelter**;
- (b) the provision of animal control services;
- (c) the employment and provision of **Animal Control Officers**;
- (d) the licensing of **dogs** and **dangerous dogs**; and
- (e) the issuing of tickets, violations and fines under the provisions of the City's:
 - (i) Municipal Ticket Information Authorization Bylaw No. 7321; and
 - (ii) Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.

MAINTENANCE FEES

means the fees as set from time to time in the Consolidated Fees Bylaw No. 8636, which are charged for each day that an **animal** or bird is **impounded**, commencing the day after impoundment.

RUNNING AT LARGE

means any one of the following:

- (a) for a **cat** or **dog**, being elsewhere than confined on the premises of the **owner**, while not on a **leash** and not in the immediate and effective control of an **owner**;

- (b) for a **cat** or **dog**, being on any property without the consent of the owner or occupier of that property;
 - (c) for a **dog**, being in a **designated dog off-leash area**, where permitted, but not under the immediate and effective control of an **owner**; or
 - (d) for a **dangerous dog**, means any **dangerous dog** which is not confined or controlled in compliance with the requirements of subsection 2.3.4.2.
9. Animal Control Regulation Bylaw No. 7932, as amended, is further amended, at PART TEN by deleting section 10.1, in its entirety, and substituting the following:
- 10.1 A violation of any of the provisions identified in this Bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122; and
- 10.2 A violation of any of the provisions identified in this Bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c.60*.
- 10.3 Every person who contravenes any provision of this Bylaw is considered to have committed an offence against this bylaw and is liable on summary conviction pursuant to *Offence Act, RSBC 1996, c.338* to a maximum fine of up to \$10,000 and each day that such violation is caused, or allowed to continue, constitutes a separate offence.
10. This Bylaw is cited as "**Animal Control Regulation Bylaw No. 7932, Amendment Bylaw No. 8961**".

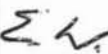

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR_____
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating Division

APPROVED for legality by Solicitor




**Municipal Ticket Information Authorization Bylaw No. 7321,
Amendment Bylaw No. 8966**

The Council of the City of Richmond enacts as follows:

1. Municipal Ticket Information Authorization Bylaw No. 7321, as amended, is further amended at section 2.1 by deleting the definition of CONTRACTOR and substituting the following:

CONTRACTOR.

means the person, firm or society with whom the **City** has entered into an agreement for:

- (a) the management and operation of an **animal shelter**;
- (b) the provision of animal control services;
- (c) the employment and provision of **Animal Control Officers**;
- (d) the licensing of **dogs** and **dangerous dogs**; and
- (e) the issuing of tickets, violations and fines under the provisions of the City's:
 - (i) Municipal Ticket Information Authorization Bylaw No. 7321; and
 - (ii) Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.

2. Municipal Ticket Information Authorization Bylaw No. 7321, as amended, is further amended by deleting the following from Schedule A and substituting "INTENTIONALLY DELETED":

Column 1

Column 2

1. Animal Control Bylaw No. 7932
 - **Bylaw Enforcement Officer**
 - **Animal Control Officer**
 - **Police Officer**
3. Municipal Ticket Information Authorization Bylaw No. 7321, as amended, is further amended by deleting from Schedule B1 that part relating to Animal Control Bylaw No. 7932 and substituting "INTENTIONALLY DELETED":

Bylaw 8966

4. This Bylaw is cited as **"Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 8966"**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating Division 
APPROVED for legality by Solicitor 



**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122,
Amendment Bylaw No. 8962**

The Council of the City of Richmond enacts as follows:

1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One – Application by adding the following after section 1.1(k):

“(l) Animal Control Regulation Bylaw No. 7932, as amended,”
2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding to the end of the table in Schedule A of Bylaw No. 8122 the content of the table in Schedule A attached to and forming part of this bylaw.
3. This Bylaw is cited as **“Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 8962.”**

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating Division E.K.
APPROVED for legality by Solicitor M

SCHEDULE A to BYLAW NO. 8962

SCHEDULE A to BYLAW NO. 8122

Designated Bylaw Contraventions and Corresponding Penalties

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
Animal Control Regulation Bylaw No. 7932 (2005)	Causing an animal to be tied or fastened to a fixed object in a prohibited manner	1.1.1(a)	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Causing an animal to be confined in an enclosed space or vehicle in a prohibited manner	1.1.1(b)	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Causing an animal to be transported in an uncovered part of a vehicle in a prohibited manner	1.1.1(c)	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Animal has killed or injured a person or animal	1.1.2(a)	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Animal has aggressively pursued or harassed a person or animal	1.1.2(b)	No	\$ 150.00	\$ 125.00	\$ 175.00	n/a
	Animal has been deprived of food or water	1.2.1(a)	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Animal receptacles unclean or contaminated	1.2.1(b)	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
Animal Control Regulation Bylaw No. 7932 (2005)	Animal deprived of periodic and beneficial exercise	1.2.1(c)	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Animal deprived of veterinary care for pain or suffering	1.2.1(d)	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Animal deprived of clean and appropriate outdoor shelter	1.3.1	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Permitting a cat which is not spayed or neutered to run at large	2.2.1.1(c)	No	\$ 100.00	\$ 75.00	\$ 125.00	n/a
	Possessing more than 3 dogs in a one-family or two-family dwelling	2.3.1.1	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Possessing more than 2 dogs in one unit of a multi-family dwelling	2.3.1.2	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Failure by owner to leash a dog	2.3.2.1(a)	No	\$ 150.00	\$ 125.00	\$ 175.00	n/a
	Permitting a dog to run at large	2.3.2.1(b)	No	\$ 150.00	\$ 125.00	\$ 175.00	n/a
	Failure by owner to clean up excrement from a dog	2.3.3.1	No	\$ 150.00	\$ 125.00	\$ 175.00	n/a
	Failure by owner to confine dog	2.3.4.1	No	\$ 150.00	\$ 125.00	\$ 175.00	n/a

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
Animal Control Regulation Bylaw No. 7932 (2005)	Failure of owner to control a dangerous dog	2.3.4.2(a)	No	\$ 500.00	\$ 450.00	\$ 525.00	n/a
	Failure of owner to confine a dangerous dog	2.3.4.2(b)	No	\$ 500.00	\$ 450.00	\$ 525.00	n/a
	Failure to control a dog in a designated off-leash area	2.3.5.1	No	\$ 150.00	\$ 125.00	\$ 175.00	n/a
	Permitting more than 3 dogs off leash in a designated off-leash area without valid off-leash permit	2.3.5.2(a)	No	\$ 150.00	\$ 125.00	\$ 175.00	n/a
	Permitting a dangerous dog off leash in a designated off-leash area	2.3.5.2(b)	No	\$ 300.00	\$ 275.00	\$ 325.00	n/a
	Failure of owner to leash a dog displaying aggressive behaviour	2.3.5.3	No	\$ 100.00	\$ 75.00	\$ 125.00	n/a
	Failure by owner to deliver a dangerous dog to an Animal Control Officer	8.3.4(b)	No	\$500.00	\$450.00	\$525.00	n/a
	Failure to provide valid and current identification to an Animal Control Officer	8.3.14	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a