

ITEM 3
MANAGER'S REPORT NO. 66
COUNCIL MEETING 88/10/16

RE: REVIEW OF ANIMAL CONTROL AND LICENCING REGULATIONS IN BURNABY
(Suppl. Item 15, Report no. 15, 1988 February 29)

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Director Finance be adopted.

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TO: MUNICIPAL MANAGER 1988 October 07
FROM: DIRECTOR FINANCE File: D57
SUBJECT: REVIEW OF ANIMAL CONTROL AND LICENCING REGULATIONS IN BURNABY (SUPPLEMENTARY ITEM 15, REPORT NO. 15, 1988 FEBRUARY 29)
PURPOSE: To present the results of the Municipal Review of animal control in Burnaby to Council for consideration and adoption.

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RECOMMENDATIONS

1. THAT Council approve the recommendations outlined in Part V of the Summary Report; and
2. THAT staff be directed to bring forward appropriate bylaw amendments for Council's consideration.

SUMMARY

The Finance Department has completed a review of animal control and licencing regulations in Burnaby. See Appendix A attached for a summary of the review. The review proposes changes to our animal control bylaw that would:

- . identify and control vicious dogs
- . regulate biting dogs
- . update and improve licencing and impoundment fee structures
- . improve dog control in parks
- . regulate poisonous or venomous animals

Staff have met with Council's Ad Hoc Committee on Dog Control to discuss the report. The Summary Report has been revised as a result of these discussions.

REPORT

Council on 1988 February 29 received a report on the review of animal control and licencing in Burnaby. A copy of the report was forwarded by Council to the Ad Hoc Committee on Dog Control. A report from the Ad Hoc Committee appears on this agenda.

Staff met with the Ad Hoc Committee and discussed the report in detail. As a result of those discussions some revisions were made to the report. The thrust of the report has remained unchanged. However, changes in emphasis, tone, and explanation were made, and recommendations on poisonous and venomous animals were added. The revised report, shown as Appendix A, outlines the results of the overall review.

There are five parts to this Summary Report:

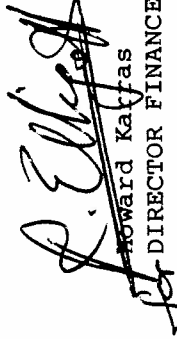
- Part I presents an introduction to animal control and licencing in Burnaby. It outlines the history of our animal control regulations and it describes how these regulations have been tested and modified to meet the changing needs of our developing community. It concludes that public attitudes towards dogs are changing and placing more emphasis on the need for responsible dog ownership and control, while also recognizing the benefits of the human/animal bond.
- Part II focuses on the issue of vicious dogs and examines ways in which Burnaby could identify and control vicious dogs. It proposes a number of changes to our animal control bylaw such as a registration program for vicious dogs, substantial fines, detainment/quarantine, and changes to the Municipal Act and Criminal Code of Canada, all of which will improve our ability to regulate biting dogs.
- Part III analyzes our existing licencing and impoundment fee structures. It proposes a series of changes that would update and improve our animal control program. These proposals include higher impoundment fees for repeat offenders; ability to ticket for keeping an unlicensed animal; registration together with exemption from the bylaw for guide dogs for the blind, hearing dogs and other assistance dogs including those used by law enforcement agencies; and consideration of an incentive program for prompt purchase of dog licences.
- Part IV is a series of brief discussions dealing with issues such as the control of dogs in parks, animal waste regulations, the control of animals other than dogs, and public education. It proposes a number of changes to our animal control bylaw which include identifying areas in parks where dogs cannot be taken, an exemption from the leash law for dogs participating in special organized events, and discusses the keeping of poisonous and venomous animals and identifies raccoons as being a growing nuisance.
- Part V is a summary of the recommendations stemming from each part of this report.

There are three types of actions that will flow from this review:

- First are changes to our animal control bylaw which are within the existing powers of Council. These are presented as recommendations in Appendix A, Part V. Bylaw amendments will be presented for Council's consideration.
- Second are bylaw amendments which are not within the existing powers of the Council. These are shown as proposed changes to the Municipal Act or the Criminal Code of Canada in Appendix A, Part II(c), Part III(c) and Part IV(h). Resolutions will be prepared for Council's consideration to be forwarded to the U.B.C.M. for Municipal Act changes and the F.C.M. for Criminal Code changes.
- Third, we will continue to monitor some of the other animal control issues identified in Part IV (Exotic Animals and Raccoons). Reports will be brought forward to Council as the need arises.

DWM:RE:gw
Attach.

cc: All Directors
Chief Public Health Inspector
Municipal Solicitor


Howard Kafkas
DIRECTOR FINANCE

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REVIEW OF ANIMAL CONTROL AND LICENCING REGULATIONS IN BURNABY

SUMMARY REPORT

PART I	OVERVIEW AND CONCLUSIONS
PART II	INTRODUCTION AND PHILOSOPHY
PART III	CONTROL OF VICIOUS DOGS
PART IV	LICENCING AND IMPOUNDMENT FEE STRUCTURES
PART V	OTHER ANIMAL CONTROL ISSUES
	SUMMARY OF RECOMMENDATIONS

OVERVIEW AND CONCLUSIONS

This report summarizes the review of Burnaby's animal control and licencing regulations carried out by staff over the past few months.

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There are five parts to this summary report.

- Part I presents an introduction to animal control and licencing in Burnaby. It outlines the history of our animal control regulations and it describes how these regulations have been tested and modified to meet the changing needs of our developing community. It concludes that public attitudes towards dogs are changing and placing more emphasis on the need for responsible dog ownership and control, while also recognizing the benefits of the human/animal bond.
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- Part V is a summary of the recommendations stemming from each part of this report.

While Burnaby's present animal control regulations deal with a broad range of animals (e.g. dogs, horses, rabbits) most of our animal control activity stems from and deals with dogs. For this reason the focus of this review is on the control and licencing of dogs.

PART I: INTRODUCTION AND PHILOSOPHY

A. Introduction to Animal Control in Burnaby

Burnaby regulates animals in order to protect people, property and other animals from death, injury, damage or disease.

Burnaby began regulating animals in 1909 by enacting a bylaw for the licencing of dogs. The purpose of these initial regulations was to identify dogs involved in attacks on livestock and other domestic animals. While the original bylaw was amended in 1921 and 1935, the emphasis remained unchanged until 1969.

In 1969 Burnaby adopted regulations which required every person who owns a dog to ensure that the dog was under the care and control of a competent person when in a public place.

In 1971, the Parks and Recreation Department concluded that the "care and control" bylaw was not effectively regulating animals in parks. As a result, the Burnaby Parks Bylaw was amended to include a "leash law" which applied to all park areas. This amendment required all dogs to be in the custody of their owner or his agent, and on a leash while in a park. Because this growing problem was initially identified as being a "parks problem" the leash law applied only in parks and the "under control of a competent person" provision of the animal control bylaw remained in force throughout the rest of Burnaby.

Increased pressure from the community led to an increased demand for animal control. This increased demand for enforcement led to increased frustration for the municipality's pound officers. Attempts by the S.P.C.A. to enforce the under control bylaw resulted in continual disputes. The courts found it difficult to define "control" and the question of who was in fact a "competent person" was, in the eyes of the courts, difficult to establish. Few of the animal control bylaw violations pursued through the courts were successful.

These experiences led Council to conclude that the care and control bylaw was not meeting Burnaby's animal control needs. As a result the care and control bylaw was repealed in 1972 and replaced by Burnaby's present animal control bylaw No. 6191.

Bylaw No. 6191 is a "leash law" which states that: "every owner of a dog shall keep it on a leash while on a highway or public place".

In 1975, the use of "violation notices" (tickets) was introduced. This permitted tickets to be issued to a person whose dog was running at large. Prior to that, it was necessary for the municipal poundkeeper to lay a charge through the Crown Counsel.

At that time the introduction of the "leash law" and the use of "violation notices" provided a satisfactory level of animal control that seemed to be understood by the public and enforceable through the courts.

The effectiveness of this enforcement program resulted in Burnaby dog owners exercising more control over their animals and the number of free roaming dogs decreasing.

This process also resulted in many dog owners, who in the past had gone relatively unnoticed while walking their dogs off leash receiving tickets for "doing what they had done for many years" (walk their dogs off-leash).

This situation was compounded by the fact that enforcement in parks was increased through special park patrols in response to increasing complaints about off-leash dogs in parks.

In combination these actions forced dog owners who wanted to exercise their animals off-leash to seek out remote and less conspicuous areas where they were less likely to encounter other residents or pound officers.

This "unofficial use" of remote areas seemed to work fairly well for a few years. Then two things began to happen; first, dog owners became bolder in exercising their animals off-leash in defiance of the Municipal leash law; and second, "Participaction" introduced walkers and joggers into many of the remote areas. Both of these trends led to conflicts between residents and off-leash dogs. These conflicts led to complaints, and the complaints resulted in our pound officers focusing on areas of complaint, and beginning to patrol remote areas. These actions were interpreted by some dog owners as being unnecessary and overzealous.

While some dog owners believe Burnaby's approach to animal control is over-zealous, the fact remains that the Municipality's basic approach to enforcing the animal control regulations is "on complaint". If no complaints were received, chances are our Pound officers would be far less likely to patrol remote areas in search of off-leash dogs. Burnaby has neither the manpower nor the desire to look for bylaw violations which are not a problem or possible threat to public health and safety.

The use of remote areas came into focus in 1984 when a group of residents living near Robert Burnaby Park questioned the "leash law" because it did not recognize and accommodate the recreational needs of their dogs. As a result, Bylaw No. 6191 was amended to permit dogs off-leash in designated areas of Robert Burnaby Park provided that the owner was present with the dog. These amendments were undertaken on a one year trial basis and were repealed in June 1985 prior to the completion of the one year trial period, in response to representations to Council opposing the trial program.

Although the trial program was stopped part way through, the residents continued to ask for areas to exercise their dogs off-leash.

In an effort to respond to the resident requests for off-leash areas, Council on 1986 June 23 resolved to recognize the principle and concept of an off-leash facility for dogs in Burnaby, and referred the matter to staff for consideration of the following:

- a) some suggested area where such a facility could be accommodated in Burnaby;
- b) that the Burnaby Dog Tax and Pound and Animal Regulation Bylaw No. 6191 be reviewed for possible amendments which might be required;
- c) that the concerns of municipal liability be considered and appropriate measures be recommended to overcome these concerns of Council; and
- d) that the concerns of public safety be considered and that some program be proposed which would mitigate or remove these concerns.

Staff undertook a study to identify sites capable of being developed for off-leash facilities. Three potential sites were identified; development and design parameters were created; working designs and general cost estimates were prepared; and health, safety and liability implications were explored for each of these three sites.

In February of 1987, three public open houses were held to discuss the proposals regarding the three off-leash sites for Burnaby. Questionnaires were circulated and analysed.

After extensive study, it became apparent that neither the dog owners nor the general public supported this philosophical compromise and at the regular council meeting of 1987 April 23, the Director Finance reported to Council that there appeared to be a general lack of support for the concept of off-leash areas, and little or no support for the three proposed off-leash areas. That report concluded that it would be costly to develop off-leash areas to a reasonable standard of public health and safety, and that it was not possible to satisfactorily reconcile all of the concerns raised by council, dog owners, staff and the general public. The Director Finance's recommendation that the municipality proceed no further with the creation of off-leash areas for dogs was adopted at the regular council meeting of 1987 May 25.

Arising from Council's consideration of off-leash areas, Council at their meeting on 1987 May 25, established the Ad Hoc Committee on Dog Control to look at the problems of vicious dogs; public education, and responsible pet ownership; and the recreational needs of responsible pet owners excluding the consideration of off-leash areas for dogs.

B. Philosophy of Animal Control in Burnaby

Burnaby's animal control regulations have evolved over the years in response to the changing needs of the community. Where owning animals was once little controlled, it has now become highly controlled. Most of this change has resulted from Burnaby's growth from a rural community to a highly urban area. Simply stated, many animals have been controlled more over the years because "suburban or city sized" lots did not provide the necessary space to properly keep such animals. Horses, chickens, goats and cows are primary examples of animals which were an accepted part of many households years ago, and which are now permitted only in very restricted areas. These animals were controlled because they posed either health or safety problems.

While the general trend has been one of controlling many animals to the point where they are not permitted in most parts of the community, dogs have generally remained an accepted part of the community. This is not without reason as dogs for many people have long been considered their best friend. It is this underlying sense of loyalty and friendship which has maintained dogs in the community.

While dogs remain a generally accepted part of the community, growing numbers of Burnaby residents are complaining that dogs are threatening either their safety or enjoyment of parks and other public spaces. More people are complaining about dog excrement posing a threat to public health, or at least being an annoyance.

Contributing to this change in public attitude towards dogs has been the high visibility in the media of a few vicious dog incidents in recent months. Even though Burnaby has not experienced any such incidents the public views such incidents as unacceptable and has little or no tolerance of any dog which may even remotely show aggressive tendencies or be running off-leash. Similarly the general public does not distinguish between bad dogs and bad dog owners since the potential result is the same.

Given the recent vicious dog incidents and the growing number of complaints about dogs, we believe the general community attitude towards dogs is changing. People are becoming more fearful of and less tolerant toward dogs running off-leash. People are demanding that their safety be ensured and that dogs be controlled more.

We believe this changing public attitude has resulted in more emphasis being placed on the need for responsible dog ownership and control in Burnaby while recognizing the benefits of the human/animal bond.

C. On-Leash Approach to Animal Control

Burnaby's approach to animal control is that dogs must be on a leash at all times when in a public place. This approach was adopted in 1972 in response to increased community pressure for more animal controls. As part of this review staff re-examined this approach to determine if it is still the most appropriate way to control dogs and to ensure public health and safety.

This re-examination was prompted by the concerns expressed by some dog owning residents that the on-leash approach does not permit their animals the exercise and socialization they require for their health and well-being.

Proponents of allowing dogs off-leash suggest that properly trained animals are under the control of their owners/handlers without the use of a leash. While such control may be possible in some circumstances (especially when the dog and owner are alone in an area free from other influences), our research indicates that even a highly trained dog, when distracted, does not always respond to the owner's commands.

Given that it is not possible to guarantee the control of off-leash dogs, even with a high level of training, we cannot accept or recommend regulations to permit dogs off-leash at large in Burnaby. It is our conclusion that leash control is the most effective means of controlling dogs and ensuring public safety.

D. Perspective on Dogs in Burnaby

We estimate Burnaby's dog population at 12,000 to 14,000 or one dog for every 4.5 households. In 1987, Burnaby issued approximately 7,000 dog licences. The number of licenced dogs has remained relatively constant over the past five years.

In Burnaby, poundkeeping services are delivered by the S.P.C.A. through a contract with the Municipality. The S.P.C.A. provides the following services in Burnaby:

- Enforcement of the Burnaby Dog Tax and Pound and Animal Regulation Bylaw
- Investigation of reported biting or savaging of persons or other animals
- Care and disposition of impounded animals
- Sale of licences
- Administration of the Animal Shelter
- Removal of dead animals from the streets and public areas.
- Operation of the animal crematorium
- Door to door dog licence canvass.

A 1988 dog licence costs \$12.00 for a spayed/neutered animal and \$30.00 if not spayed/neutered.

During 1987, 83 dog bitings were reported to and investigated by our Poundkeeper. This is an increase of 24% over 1986 and 100% over 1985. The increased number of reported bitings is partly a reflection of the heightened awareness and concern in the community regarding pit bulls and high profile vicious dog incidents. While all dog bitings are serious and should be reported to our Poundkeeper, we estimate that only one-third of the bitings which actually occur are reported.

From 1980 to 1987 approximately 2700 violation tickets were issued and 57% were either paid or resulted in a court conviction. Since park and beach patrols began in 1982 the number of violation tickets issued has ranged from 823 in 1983 to 224 in 1987. The percent which are paid has ranged from 67% in 1982 to 43% in 1986 and 1987.

Both the number of tickets issued and the percentage of tickets paid has declined in recent years. This is a problem with several possible explanations.

The declining number of tickets issued may be the result of less need for tickets as people have become aware and respectful of the animal control bylaw; or declining tickets issued may be resulting from a shift in our poundkeeping resources away from general patrols and into complaint investigation. The number of complaints has risen significantly in recent years.

The reduced percentage of tickets paid is most likely explained by the fact that "violation tickets" under the animal control bylaw are experiencing the same trend as most other municipal bylaws. Municipalities have always had difficulty gaining enforcement through the courts

as municipal bylaw issues are frequently considered to be a lower priority. As the courts have become busier, so the "success rate" on municipal bylaw enforcement has declined. To our knowledge this trend is experienced by municipalities across Canada.

PART II: CONTROL OF VICIOUS DOGS

The control of vicious dogs has become a high profile issue in the last year or two. A number of incidents involving vicious dogs have received considerable coverage in the media. As a result, residents of Burnaby, as well as in many other areas, are more aware of and concerned about vicious dogs and the potential impact such dogs could have on their safety.

To date Burnaby has been fortunate in that we have experienced few serious problems with vicious dogs. It is unrealistic however to assume that our past good fortune is more than just that. The fact that neighbouring communities such as Vancouver and Surrey have experienced several serious vicious dog incidents suggested that we could experience similar problems at any time.

A. Laws Controlling Vicious Dogs

Our study of the vicious dog issue began with a review of the bylaws, ordinances and statutes used to control vicious dogs.

In British Columbia, the serious or fatal attacks that do occur are dealt with promptly. The dog owners are being charged with criminal code offences and action is being taken under the Provincial Livestock Protection Act to have the dogs destroyed. It is the less serious dog bitings which do not warrant charges or action under Federal or Provincial regulations that are not adequately controlled. This situation is not unique to British Columbia. Local governments throughout Canada and the United States are looking for better ways to regulate "biting" dogs.

We found that many cities in the United States have established "animal control commissions" which conduct public hearings to decide if particular dogs are dangerous. Although their terms of reference and authorities vary considerably, these commissions often consist of representatives of the Health Department, police department, the local humane societies, a veterinarian, and additional citizen members. The commission members are appointed by the local government.

If the commission finds a dog to be dangerous, the dog is registered as such and the dog owners must take whatever action is specified by local ordinance. This could range from muzzling in public to removing the dog from the jurisdiction. These commissions also hear appeals regarding the vicious or dangerous status of particular dogs.

Based on our limited review of animal control commissions, they appear to offer an effective approach to dealing with vicious dogs and other animal control issues. We view these commissions as a longer term alternative which would require changes to the Municipal Act to implement. To our knowledge there are no such commissions in Canada. We will further investigate their applicability to animal control in Burnaby and will bring forward recommendations for Council's consideration if and when it is appropriate.

In addition, many American cities:

- have different fines for a dog biting another domestic animal as opposed to a person;
- have increasing levels of fines for second or third offences;
- quarantine vicious dogs;
- tattoo or otherwise identify vicious dogs;
- require vicious dogs to wear a special blaze orange collar to identify it as being vicious;

- specify special types of enclosures for vicious dogs;
 - restrict the ownership of registered vicious dogs to adults;
 - require liability insurance of vicious dog owners;
 - require placarding of the premises of a vicious dog;
 - ban vicious dogs either for a specified time or permanently;
- and
- have enacted breed specific regulations which place specific restrictions on certain breeds of dogs. Courts in a number of American cities have overturned these breed specific regulations as being unconstitutional and they are being appealed in many other centres.

In Canada, most provinces have statute law similar to B.C.'s Livestock Protection Act which provides for the destruction of a vicious dog under the order of a Provincial court judge.

Ontario's Dog Owners Liability Act clearly specifies the liability of the owner of a biting dog and it gives the courts broad authority to regulate a dog declared to be vicious. This act is used extensively by animal control officers in Ontario to deal with vicious dogs. Toronto is proposing to supplement this regulation with bylaw amendments that will cause a dog which has, without provocation, bitten a person, to be registered as a vicious dog, to be muzzled when off the property of the owner and restrained so as to not permit it to come into contact with any other person while on the owner's property. Owners of registered vicious dogs will also be required to notify the Medical Health Officer when transferring ownership of the vicious dog.

In British Columbia, many of the local animal control bylaws contain provisions which restrict diseased and vicious dogs and which allow the pound officer or police to seize and destroy any dog endangering the safety of any person or other animal. There is some question whether these bylaws impart authority to the pound officer which is not authorized by the Municipal Act. In Penticton (1986) and North Vancouver (1984) these bylaws were held by the courts to be ultra vires.

Within the last year a number of B.C. municipalities have enacted breed specific vicious dog regulations modeled on those adopted in cities in the United States. For example, in May of 1987, the City of Vancouver adopted breed specific changes to their animal control bylaw. These provisions define a vicious dog as:

- ". any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans; or
- . any dog which has bitten another domestic animal or human without provocation; or
- . 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 the aforementioned breeds."

Vancouver's bylaw also states:

"In addition to the requirement of subsection (2) of section 5, no owner, possessor or harbourer of a vicious dog shall permit, suffer or allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by that person unless the dog is muzzled to prevent it from biting another animal or a human.

"Every owner, possessor or harbourer of a vicious dog shall, at all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping."

A recent amendment to Vancouver's bylaw also states that:

"The provisions of subsection (1) shall not apply to a vicious dog described by clause (c) of section 2(10) while that dog is in attendance at an event sanctioned by the Canadian Kennel Club."

This bylaw provides for a \$200 impounding fee for vicious dogs. Similar restrictions have now been adopted by Port Moody, Coquitlam, New Westminster, North Vancouver and Surrey. New Westminster's bylaw has recently been challenged and an appeal is pending in Supreme Court. The other bylaws have not yet been tested in court.

Our review of the vicious dogs regulations being introduced in many communities, has led us to conclude that Burnaby should undertake a preventative program which promotes responsible pet ownership and which enables the Municipality to deal with vicious dogs and their owners regardless of the animal's breed.

B. Pit Bulls and Breed Specific Control

In Canada, the pit bull is not a recognized breed. Under the terms of the Federal Livestock Pedigree Act, the Canadian Kennel Club is the only authority legally empowered to define and register breeds of dogs. The Canadian Kennel Club does not recognize or register breeds known as pit bull terriers or American pit bull terriers.

The term "pit bull" refers to a strain of dog that has been cross-bred and interbred specifically for pit fighting. In that these dogs are not bred for conformation, i.e. appearance, but rather for their fighting ability, it becomes virtually impossible to regulate them by appearance. Pit bulls come in almost any colour; their ears may be cropped or uncropped; their noses either red or black; and their height and weight merely proportionate - with the weight parameters ranging from under 20 pounds to upwards of 100 pounds. Describing a dog as a pit bull is comparable to calling an automobile a race car. It describes what the dog has been bred for but it has little significance as a legal definition.

Most breed specific regulations do include in their list of restricted dogs breeds that are recognizable under Canadian law, particularly the Staffordshire Bull Terrier and the American Staffordshire Terrier. Neither of these breeds have been viewed as fighting dogs for over 50 years. Although the Staffordshires were originally bred as fighting dogs, the purebreds have been raised and bred for pet stock and show purposes for many generations. 12 of the 18 dog related deaths in the United States in the last 18 months have been attributed to "pit bulls". None of these killings has been attributed to registered American Staffordshire Terriers.

The Staffordshire Bull Terrier is a relatively small (28-38 pounds) and relatively rare breed of dog. We have no record of one ever having attacked a person or other animal in Burnaby.

The purebred Staffordshire Bull Terrier and the American Staffordshire Terrier are not pit bulls and there is no evidence that they are any more dangerous than any other breed of dog.

We have concluded that it is not feasible to regulate these dogs by what they look like, or how big they are. Our only option is to regulate their actions. If we want to deal with the vicious dog situation, we must take action against the individual animals and/or their owners for the harm they do and not for what they look like, or who their family is.

Breed specific regulations may give the appearance of resolving this situation while in reality they will only serve to confuse it. Instead, we propose that we utilize the authority that does exist in

the Municipal Act to enact bylaw provisions which will register and place restrictions on all biting dogs. In this regard our proposed amendments are similar to those currently being proposed for Toronto.

We have concluded that it is necessary to implement a bylaw that will act as a deterrent to those owners whose dog might have a propensity to bite. This would include regulating those bitings held to be "not serious enough" to warrant criminal charges or statutory action; developing a system that would allow us to identify, record and restrict dangerous dogs; ensuring that our animal control officers and R.C.M.P. are trained to identify and process vicious dog attacks which are serious enough to merit statutory proceedings against a dog, and to pursue criminal charges against its owners where necessary.

In order to protect the public from dangerous dogs, under certain circumstances our pound officers must be able to detain these dogs. We propose that our bylaw be amended to provide for this detention.

There is presently no authority in the Municipal Act to create a bylaw that would make it an offence for dogs to bite people or domestic animals. If a first bite is particularly savage or severe, we can and will pursue a court order to have the dog destroyed under Section 8 of the Livestock Protection Act. If the first bite is less serious it is presently a "free bite" under our bylaw; (although the person bitten has the option of pursuing compensation from the dog owner through a court action.)

In order to eliminate the "free bite", we are proposing that it become a ticketable offence for a dog to injure or cause injury to a person or domestic animal.

The recommendations from this section are 1 to 8.

C. Changes to the Municipal Act and the Criminal Code of Canada

In addition to these proposed changes to our animal control bylaw we would propose that Burnaby petition the Federal and Provincial governments for amendments to the criminal code and the Municipal Act. Changes that give our pound officers and police greater authority to regulate dangerous dogs and would reduce the number of vicious dogs with the aim of eliminating the "sport" of dog fighting.

The following require changes to the Municipal Act or the Criminal Code of Canada in order to implement:

- . Make it a ticketable offence for a dog to injure or cause injury to a person or domestic animal.
- . Standardize, regulate and inspect, pens, structures, or enclosures used to confine vicious dogs on private property.
- . Require owners of vicious dogs to obtain liability insurance in the amount of \$1,000,000 minimum, against bodily injury or death of any person or persons for damage to property caused by their dog.
- . Prohibit the making, maintaining or keeping of a dog fighting pit on premises that he owns or occupies, or allows a dog fighting pit to be built, made, maintained or kept on such premises.

Changes to the Municipal Act and the Criminal Code will be sought by preparing resolutions for consideration by the Union of British Columbia Municipalities (U.B.C.M.) and the Federation of Canadian Municipalities (FCM).

If the municipality decides at a future date to pursue the establishment of an animal control commission, additional changes to the Municipal Act would be required.

PART III - LICENCING AND IMPOUNDMENT FEE STRUCTURES

As part of this study we have reviewed our existing animal control program. At present this program applies regulations contained in the Burnaby Dog Tax and Pound and Animal Regulation Bylaw No. 6191, sections of the Burnaby Parks Regulation Bylaw No. 7331, sections of the Burnaby Zoning Bylaw No. 4742, the Burnaby Kennel Bylaw No. 4174, Provincial Health regulations and other provincial acts.

This section proposes a series of changes which would serve to consolidate, update and clarify our regulations as they relate to dog licencing, the keeping of dogs and fees structures.

Licencing is a basic part of our animal control programs. It provides a way of returning lost pets to their owners. In cases of theft, property damage, dog attacks, or animal neglect, it provides proof of ownership of the animal. It is a source of municipal revenue paid directly by pet owners for services such as the animal shelter, emergency care, law enforcement and public education. It provides information on pet populations, the percentage of dogs which are spayed/neutered, ratios of various breeds, etc.

Licence and pound fees are also valuable regulatory tools. For example, differential licencing which offers lower licence fees for spayed or neutered animals has proven to be very effective in controlling pet populations and indiscriminate breeding. Pound fees provide incentives for pet owners to keep their animals properly controlled. Unlicensed dogs impounded or ticketed are subject to higher fines than licenced dogs.

Our basic licencing process and the structure of the licence and pound fees have been in place since Bylaw No. 6191 was adopted in 1972. The proposed changes are aimed at making the licencing provisions of our bylaw clearer and easier to enforce. These proposals affect both our animal control bylaw and the Municipal Act.

A. The Keeping and Licencing of Dogs

In Burnaby, the number of dogs a household can keep is regulated by the kennel provisions of our zoning bylaw which defines a kennel as any building, structure, compound, group of pens or cages or property in which or where three or more dogs are or are intended to be trained, cared for, bred, boarded, or kept for any purpose whatsoever. The zoning bylaw restricts kennels to the agricultural zones and by so doing prevents a person living in a residential zone from owning more than two dogs. In that our zoning bylaw is enforced by the Licence office of the Finance Department and not by our poundkeeper (the S.P.C.A.), it makes this aspect of our animal control program awkward and inconsistent with other bylaws throughout the Province.

To overcome this concern we propose to add to our animal control bylaw provisions which limit the number of licenced dogs a household can keep to two and set out the minimum age for licencing dogs. Most other jurisdictions in the Province now include this type of provision in their animal control bylaw.

This proposal has the advantage of empowering our pound officers to enforce these regulations by means of a ticket. Presently these are not ticketable offences.

We propose that a 72 hours notice be given before tickets for keeping more than two dogs are issued. In this way if the owner comes into compliance with the bylaw within 72 hours there would be no ticket and no fine.

If compliance is not achieved within 72 hours, a ticket with a fine would apply. Where there is no demonstration that the owner is attempting to come into compliance, escalating fines would apply.

While tickets are necessary for the enforcement of the bylaw, the approach to enforcing these regulations always has been and will continue to be "on complaint". If no complaint is received, chances are we would never discover that an individual had more than two dogs. Burnaby has neither the manpower nor the desire to look for bylaw violations which are not a problem or possible threat to public health and safety. In this regard, there is an element of judgement and reasonableness in our approach to animal control which focuses on the achievement of compliance rather than the imposition of deterrents such as tickets and fines.

As part of this study we reviewed our bylaw definition of a dog or cat. The bylaw defines them as members of the canine or feline species which are two or more months in age. The question we addressed was whether two months of age remains appropriate.

We concluded that it does for two reasons. First at six to eight weeks of age a puppy is weaned and ready to go out into the world. Second, a dog becomes receptive to learning at about seven weeks of age. The process of socialization and bonding which begins at this age is most effective when it occurs between the dog and its permanent owner.

The recommendations from this section are 9 to 14.

B. Licence and Pound Fees

We have reviewed the licence and pound fee structure in our animal control bylaw and propose the following actions:

i) Incentives and Penalties

Systems of incentives for dog licences purchased early in the year and penalties for licences purchased later in the year are used widely in Canada and the United States. Implementation of such a system in Burnaby would result in a higher percentage of dog owners purchasing licences in January or February, and more municipal revenue during those months.

In Burnaby, 25% of the licenced dogs have not been neutered/spayed. This 25% accounts for over 75% of the bitings in Burnaby over the past 10 years. Clearly, dogs which have not been spayed/neutered are more likely to be involved in bitings. As an incentive to have the animals spayed/neutered, we currently charge a higher fee \$30.00 (instead of \$12.00) for animals which have not been spayed/neutered. Burnaby's dog licences and pound fees are generally in line with other communities in the G.V.R.D. Our ticket fines for dogs at large are the highest in the region.

While we are considering increasing fees for unspayed/unneutered dogs as an incentive to have their dogs spayed/neutered, we will address that issue in the annual review of fees. The concern which will be addressed in the fee review is at what point do licence fees become sufficiently high that they become prohibitive and effectively discourage people from purchasing them.

Many dogs are too young to be spayed/neutered during the licence year in which they are born. We propose that a dog too young to be spayed/neutered in the current licence year be licenced at the spayed/neutered rate, provided that the owner presents a certificate or receipt indicating that they have prepaid any agency licenced to spay/neuter animals, to have the dog spayed/neutered within a year. In addition we propose to amend our existing bylaw to refund the difference between the full licence fee and the

spayed/neutered licence fee in any one calendar year that the owner has paid the full fee and subsequently had the dog spayed/neutered. The normal licence fee structure would apply in subsequent years.

ii) Escalating Pound Fees

We propose to introduce escalating pound fees for dog owners whose dogs are impounded more than once in any licence year. Escalating pound fees are common in animal control bylaws throughout British Columbia and Canada. Dog owners whose dogs are repeatedly impounded are subject to higher fees in order to encourage them to take proper precautions in future. Vancouver, Richmond, Surrey and West Vancouver have escalating pound fees as do Kelowna, Kamloops and Victoria.

Licence and pound fees are reviewed and revised annually. A report is presented to Council in November/December each year, recommending fees for the following year. Given that fees have been established for 1988, any proposed changes which would affect existing fees will be presented for Council's consideration and adoption as part of the fee review for 1989 (in 1988 November/December).

Other issues related to licence and fee structures are:

iii) Refunds

Refunds are granted where licenced animals are spayed or neutered during a calendar year. The difference between the spayed/neutered rate and the normal licence fee is refunded. This is intended to be an incentive for people to have their animals spayed or neutered.

People commonly request a refund on their dog licence fee when they move from Burnaby or when their dog dies. We have never given refunds for these instances. We propose to state in our bylaw that refunds will not be given when dog owners move from Burnaby or when their dog dies.

iv) Ownership

In situations involving charges or civil suits, particularly when vicious dogs are involved, we have found it difficult to legally identify the owner of the dog. We propose to specify in the animal control bylaw that the person whose name appears on the licence form shall be held to be the owner.

v) Licence from Other Areas

Traditionally we have recognized dogs wearing current licence tags from other jurisdictions as being licenced dogs. We propose to specify this in the bylaw. We also propose that dog owners moving into Burnaby with valid licence(s) from another jurisdiction be permitted to surrender those tags for a replacement Burnaby tag at a minimal replacement fee.

vi) New Owners

The municipality is empowered under Section 524 of the Municipal Act to licence a person who owns, possesses or harbours a dog. Consistent with this our animal control bylaw licences a dog owner to keep a dog. The licence is not transferable to a new owner. Any new owner must apply for his own licence to keep the dog. We propose to specify this in the bylaw.

vii) New Dogs

Where a licenced dog dies, we believe the owner should be permitted to transfer the licence to a replacement dog. We propose to specify this in the bylaw.

viii) Bylaw Exemptions

As a longstanding practice, our animal control program has not charged guide dogs for the blind, guide dogs in training, and other assistance dogs including those used by law enforcement agencies a licence fee. These dogs have a special status in our community and we propose that they be registered and exempt from our animal control bylaw. This exemption does not include "therapy dogs" and other animals which perform socially oriented services in the community.

ix) Bylaw Name

The bylaw is currently entitled the Burnaby Dog Tax and Pound and Animal Regulation Bylaw No. 6191. This is a lengthy and difficult name. It is therefore proposed to change the name to the Burnaby Animal Control Bylaw.

The recommendations from this section are 15 to 23.

C. Changes to the Municipal Act

There are several issues which we propose to explore further before pursuing, and which would require amendments to the Municipal Act. These are:

- . Restrict dog ownership and/or licencing to individuals over the age of 18 years.
- . Issue a visitor's dog licence for a period of less than one year.
- . Provide for a reduced licence fee for senior citizens.
- . Make dog licencing conditional upon certain criteria, such as liability insurance.

We will pursue these issues through the U.B.C.M.

PART IV - OTHER ANIMAL CONTROL ISSUES

This section proposes a series of changes which would serve to consolidate, update and clarify our regulations as they relate to the control of dogs in parks and the keeping of cats. It also discusses poop and scoop regulations, the keeping of exotic animals, wildlife in our municipality and public education.

A. Dogs in Parks

The control of dogs in parks is a shared responsibility involving the municipal animal control bylaw and the Burnaby Parks Regulation Bylaw.

The enforcement of animal control regulations in parks is carried out by the S.P.C.A. as part of our poundkeeping contract. This includes special parks and beach patrols.

As part of this study the Parks and Recreation Department reviewed their animal control needs and recommended:

- . That no dog or animal is allowed at Barnet Marine Park from the C.P. rail tracks to the beach area and adjoining waters excluding a future waterfront walkway.

- That no dog or animal is allowed at Deer Lake Beach area, adjoining waters and the parking lot.
- That no dog or animal is allowed on (designated) playgrounds, playing fields, picnic area, bowling greens, golf courses and the tennis courts. (All of these areas would be posted with signs.)
- That dogs participating in special organized dog sports or activities, approved by the Parks and Recreation Department, be allowed off leash while participating in these activities.

These recommendations were approved by the Parks and Recreation Commission on 1987 November 09.

These proposals are consistent with the overall Municipal approach to animal control. They are not however enforceable through the use of tickets. To overcome this difficulty we propose to pursue changes to the Municipal Act.

In addition, we propose to include the following two sections of the Burnaby Parks Regulation Bylaw in the municipal animal control bylaw. These sections would apply only to areas so designated in parks under the jurisdiction of the Parks and Recreation Commission.

- No owner, possessor or harboured of a dog shall allow such a dog to be in or on any park unless such dog is kept on a leash of a maximum length of two (2) metres. (This length is typical of the bylaws in other municipalities.)
- No owner, possessor or harbourer of a dog or animal shall allow such a dog or animal to be in any reservoir, river, stream, lake, pond, pool or water in or on the park or on any beach. (in a park)

Inclusion of these clauses in the animal control bylaw will clarify our poundkeeper's jurisdiction in park areas.

The recommendations from this section are 24 to 30.

B. "Poop and Scoop" Regulations

We periodically receive complaints about animals defecating on private or public property.

We have surveyed other municipalities in B.C. that have poop scoop regulations and as a result believe that they are at best difficult to enforce. In spite of the inherent difficulties enforcing such a bylaw, we believe it is necessary to create a bylaw which enables residents experiencing problems to solve those problems with the assistance of a municipal bylaw. In some respects a Poop and Scoop bylaw would provide residents a vehicle to deal with the problem. Where the problem is in a park or other public space the municipality would deal with complaints.

Municipal actions in support of a poop scoop bylaw may include a public information program; posters and signage aimed at educating and directing the public; and clean up equipment and facilities for picking up and disposing of animal droppings.

Recognizing that an enforceable poop scoop regulation would be a useful animal control tool we propose to pursue changes to the Municipal Act which would empower municipalities to issue tickets for such an offence. The Parks and Recreation Department concurs with this proposal.

C. Cats

In Burnaby, the number of cats a household can keep is regulated by the kennel provisions of the Zoning Bylaw. The number of cats is limited to two. The fact that our zoning bylaw is not enforced by our pound-keeper makes this aspect of our animal control program awkward and inconsistent with other bylaws throughout the Province.

To overcome this concern, we propose to add to our animal control bylaw provisions which limit the number of cats a household can keep to two.

Although wild animals native to Canada can only be captured or kept with a government permit, non-native animals bred in Canada can be legally owned and sold. While we have not experienced problems with large cats, other areas in Canada and the United States have. For this reason, we will monitor this situation and bring forward bylaw recommendations if and when they are required.

The recommendations from this section are 31 and 32.

D. Wildlife

Most indigenous wildlife in British Columbia is under Provincial or Federal jurisdiction and protection.

Burnaby's animal control bylaw No. 6191 authorizes our pound officers to seize and impound a number of animals which appear to fall into the classification of protected wildlife. The municipality has no authority to capture (impound) these animals without a permit issued by the appropriate Federal or Provincial Ministry. These animals include the skunk, raccoon, squirrel and fox. We propose changes to our animal control bylaw that would correct this situation.

The recommendation from this section is 33.

E. Poisonous and Venomous Animals

While the keeping of poisonous or venomous animals has not been a major regulatory problem in Burnaby, there are a few instances which have drawn attention to the need for controls.

We propose to limit the number of poisonous or venomous animals a person could keep to two; and that such animals must be kept within the owner's dwelling unit or within a secure container which ensures that the animal cannot escape or inflict harm to any people or domestic animal.

In addition to the change we are proposing, we will continue to monitor exotic animals in our community. Should they become a problem, we are prepared to propose bylaw changes that would further restrict their keeping.

The recommendations from this section are 34 and 35.

F. Raccoons

Raccoons are becoming a growing nuisance in Burnaby. Under the terms of the Provincial Wildlife Act, raccoons are protected and regulated by the Fish and Wildlife Branch of the Ministry of the Environment. A Provincial permit is required to trap, kill or transport any raccoon. The Fish and Wildlife Branch advised that they do not have the resources to respond to complaints regarding raccoons unless there is a clear and immediate danger to humans.

While the S.P.C.A. regularly responds to calls involving raccoons, they are not empowered to capture or destroy these animals unless the animal is injured or sick.

In addition to the jurisdictional problems in dealing with raccoons, there are also logistical problems. Raccoons are found throughout the Lower Mainland and are capable of travelling considerable distances in search of a living environment. Even if we could remove all of the raccoons from Burnaby today, other raccoons would soon relocate from neighbouring communities. For this reason we consider raccoons to be a regional problem which will require the cooperation of our neighbouring municipalities to address.

To this end, we have had informal discussions with several municipalities in the region and find that they share our concern. We have also discussed this matter with staff of the G.V.R.D.

While raccoons are a growing nuisance, they remain more of an annoyance than a threat to public health or safety. For this reason we have included the raccoon issue in our work program and will pursue it as time permits.

G. Public Education

A good public education program makes pet owners aware of their responsibilities to meet their animal's needs and to keep their animals under control. It sensitizes people to the humane treatment of all animals both wild and domestic. It lets citizens know that the animal control service is there to assist with community pet problems. It teaches children to be humane and responsible and it informs people that animal laws will be enforced for everyone's benefit.

We consider education of animal owners to be an essential part of an animal control program.

The Municipality contributes to educating people on responsible animal ownership/treatment by including some monies in our contract with the S.P.C.A. for the preparation and distribution of educational materials.

We have found that this approach has worked quite well because the S.P.C.A. has the specialized knowledge and experience to prepare appropriate literature.

In addition to the S.P.C.A. organizations such as FIDO (Western Federation of Individuals and Dog Organizations) local dog breeders/clubs and veterinarians assist in educating pet owners of their responsibilities.

H. Changes to the Municipal Act

There are two issues which require amendments to the Municipal Act. These are:

- Regulate, by means of a ticket, those public areas where a dog may accompany its owner.
- Issue tickets to enforce animal waste (poop scoop) regulations.

We will pursue these issues through the U.B.C.M.

PART V: SUMMARY OF RECOMMENDATIONS

This part of the report summarizes the recommendations which relate to each section. Once these recommendations have been considered by Council we will prepare an article for Information Burnaby which will outline any changes which have been approved.

Control of Vicious Dogs (See Part II)

The following changes to our animal control bylaw will improve our ability to regulate biting dogs. The Municipal Act appears to empower Council to make these changes. Final determination, including bylaw wording, will be

made by the Municipal Solicitor. If we are not currently empowered to make any of these changes, we will pursue changes to the Municipl Act through the U.B.C.M. to gain the authority. We recommend the following amendments for immediate inclusion in our animal control bylaw. (Recommendation numbering is continuous throughout this report.)

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1. Definitions:

VICIOUS DOG means a dog which without provocation has bitten or caused injury to a person or domestic animal.

MUZZLED means fastened or controlled around the mouth so as to prevent the dog from biting a human being or other domestic animal.

2. Require that a vicious dog be muzzled while in a public place.

Provide that for contravention as above that an information be laid and a summons issued by means of a ticket in accordance with the procedure set out in section 14(2) to (9) of the Offence Act and; that the recommended fine be \$100.

3. The impounding fee for a vicious dog be:

- One Hundred dollars (\$100.00) for the first time that such a dog is impounded.

- Two Hundred dollars (\$200.00) for the second and subsequent times that such a dog is impounded.

4. Require every owner, possessor, or harbourer of a vicious dog to at all times while the dog is on the premises owned or controlled by such a person to keep the dog securely confined, either indoors or in an enclosure within the owner's fenced yard capable of preventing inadvertent entry, especially the entry of young children, and adequately constructed to prevent the dog from escaping or inflicting harm to any person or domestic animals.

5. Empower the poundkeeper to detain any vicious dog seized or impounded for being illegally at large pending:

- a period of up to 10 days to ensure that the animal is not a threat to human health or safety.

- the dog owner providing proof to the poundkeeper that he is in a position to keep the dog securely confined, either indoors or in an enclosure within the owner's fenced yard capable of preventing inadvertent entry, and especially the entry of young children, and adequately constructed to prevent the dog from escaping or inflicting harm to any person or domestic animals.

- the issuance of a Provincial court order regarding the disposition of the dog as applied for under Section 8 of the Livestock Protection Act.

The Poundkeeper will determine where an animal should be detained.

The owner of an impounded or seized vicious dog shall apply for the release of their animal within 72 hours of the impounding or seizure, and shall pay all applicable impounding fees at that time.

When a vicious dog is made available for release, the owner shall have an additional 72 hours to claim the dog by paying the incurred maintenance and required licence fees.

If the appropriate fees are not paid in full within 72 hours of the impoundment or if the incurred maintenance and required licence fees are not paid within 72 hours of the dog becoming available for release, the dog will become the property of the municipality.

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6. No vicious dogs or dogs that in the judgement of the poundkeeper are of an aggressive unpredictable and potentially dangerous temperament shall be made available for adoption.
7. The owner of a dog claiming their impounded animal shall be required to identify the animal, provide personal identification, and sign a release acknowledging ownership of the animal.
8. Notwithstanding any other provision of this bylaw, no dog may be registered as vicious or declared vicious if the threat, injury, or damage was sustained by a person who at the time was committing an illegal trespass, assault, breaking and entering, or theft upon the premises occupied by the owner or the keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or, was committing or attempting to commit a crime.

Licencing and Impoundment Fee Structures (see Part III)

The following changes to our animal control bylaw will consolidate, update and clarify our regulations as they relate to dog licencing and fees and the keeping of dogs. The Municipal Act appears to empower council to make these changes. Final determination will be made by the Municipal Solicitor. If we are not currently empowered to make any of these changes we will pursue changes to the Municipal Act through the U.B.C.M. to gain the authority. We recommend the following amendments for immediate inclusion in our animal control bylaw. (Recommendation numbering is continuous throughout this report.)

9. Definitions

DOG means any male or female member of the canine species of any age.

FAMILY, DWELLING UNIT, and LOT as defined in the Burnaby Zoning Bylaw 1965, Bylaw No. 4742.

10. Replace section 3.(1) and 3.(1)(a) of Bylaw 6191 with the following clause:
Every person who owns, has or keeps a dog over the age of eight weeks shall obtain a valid and subsisting licence for the said dog.
11. No one person or more than one person shall licence, harbour, have, possess or keep for any purpose, more than two dogs over the age of eight weeks in or at any dwelling unit or on any lot on which that dwelling unit is situated within the Municipality. However, the section shall not apply to the Municipal pound, a person operating a kennel, veterinary hospital, or pet store duly licenced by the Corporation of Burnaby. An animal shall be deemed to be harboured if it is fed or sheltered for 72 hours or more.
12. Amend our present definition of "person" as follows: Including a corporation, partnership, or party, and the personal or other legal representatives of a person to whom the context can apply according to the law and shall include a family or society.
13. For a contravention of recommendations 10 and 11, 72 hour notice be given, after which an information be laid and a summons issued by means of a ticket in accordance with the procedure set out in section 14(2) to (9) of the Offence Act.
14. Set the fine for the ticket recommended in recommendation 13 at \$25.00 for the first offence, \$50.00 for the second offence, and \$100.00 for the third and subsequent offences.

15. A dog owner may licence any dog born in the current licence year at the spayed or neutered rate provided that the owner presents a certificate or receipt indicating that they have prepaid any agency licenced to spay/neuter animals, to have the dog spayed/neutered within a year and amend our existing bylaw to refund the difference between the full licence fee and the spayed/neutered licence fee in any one calendar year that the owner has paid the full fee and subsequently had the dog spayed/neutered.
16. Other than as noted in section (4) of Bylaw 6191 no person shall be entitled to a licence fee refund under this bylaw.
17. The person whose name appears on the licence form shall be deemed to be the owner.
18. Any dog wearing a current licence issued in another B.C. municipality will be recognized by Burnaby as being a licenced dog.
19. Current dog licences issued by other jurisdictions prior to the owner either moving to or taking up residence in Burnaby can be replaced by a current Burnaby tag. Owners wishing to replace these tags must surrender the tag from the other jurisdiction to the pound officer and pay the appropriate replacement tag fee for the new Burnaby tag.
20. Where the owner of a dog in respect of which a licence has been issued under this bylaw ceases to be the owner, the licence shall be cancelled.
21. Where a licenced dog dies, the owner may transfer said licence to a replacement animal providing the owner applies to the poundkeeper and pays whatever additional fees are necessary.
22. Notwithstanding any provision of this bylaw, the following shall be exempt from the provisions of this bylaw:
 - . a dog certified by the Canadian National Institute for the Blind as a guide dog for the blind or a guide dog in training.
 - . a dog certified by a recognized training establishment as a hearing (signal) dog or handicap assistance dog.
 - . a dog belonging to and actively working for a police force having jurisdiction in the Province of British Columbia.
23. That the name Burnaby Dog Tax and Pound and Animal Regulation Bylaw (No. 6191) be changed to the Burnaby Animal Control Bylaw.

Other Animal Control Issues (see Part IV)

The following changes to our bylaws will improve our ability to control dogs in parks, and restrict the keeping of cats. These changes will also update our bylaw regulations concerning wildlife.

24. Definitions:

- . ANIMALS means any domestic animal such as dogs, cats, cattle, horses, poultry and rabbits.
- . LEASH means a line, thong or chain used for the purpose of restraining a dog and which does not exceed 2 metres in length and which is made of material of sufficient strength that the dog cannot break it.
- . ON-LEASH means that the dog is secured on a leash held by its owner or his agent while off the property of its owner.

- CAT means any male or female member of the feline species.
 - ZOOLOGICAL PARK means any facility operated by a person or government agency other than a pet shop or kennel displaying or exhibiting one or more species of exotic animals.
25. No dog or animal is allowed at Barnet Marine Park from the C.P. rail tracks to the beach area and adjoining waters, excluding a future waterfront walkway.
 26. No dog or animal is allowed at Deer Lake beach area, adjoining waters and the parking lot.
 27. No dog or animal is allowed on (designated) playgrounds, playing fields, picnic areas, bowling greens, golf courses and the tennis courts. (areas would be posted with signs)
 28. Dogs participating in special organized dog sports or activities, approved by the Parks and Recreation department, be allowed off leash (in a designated area of a park) while participating in these activities.
 29. No owner, possessor or harbourer of a dog shall allow such a dog to be in or on any park unless such dog is kept on a leash of a maximum length of two (2) metres.
 30. No owner, possessor or harbourer of a dog or animal shall allow such a dog or animal to be in any reservoir, river, stream, lake, pond, pool or water in any park or on any beach in a park. (applies only to areas so designated in parks)
 31. No person or more than one person shall harbour, have, possess or keep for any purpose more than two cats over the age of eight weeks in or at any dwelling unit or on any lot on which that building is situated within the Municipality. However, this section shall not apply to the Municipal pound, a person operating a kennel, veterinary hospital or pet store duly licenced in and by the Corporation of Burnaby. An animal shall be deemed to be harboured if it is fed or sheltered for 72 hours or more.
 32. That for a contravention of those clauses in our animal control bylaw which regulate the keeping of cats, 72 hour notice be given, after which an information be laid and a summons be issued by means of a ticket in accordance with the procedure set out in Section 14 of the Offence Act. These tickets would make it an offence for a named person to keep a specified animal or number of animals contrary to the provisions of the bylaw.
 33. Remove any reference to the impounding of skunks, raccoons, squirrels, and foxes from Bylaw 6191.
 34. No one person or more than one person shall harbour, have, possess or keep more than two poisonous or venomous animals. Such animals must be kept within the owner's dwelling unit or within a secure container which ensures that the animal cannot escape or inflict harm to any people or domestic animals. This section shall not apply to a person operating a zoological park or veterinary hospital duly licenced in and by the Corporation of Burnaby. An animal shall be deemed to be harboured if it is fed or sheltered for 72 hours or more.
 35. That for a contravention of those clauses in our animal control bylaw which regulate the keeping of poisonous or venomous animals, 72 hours notice be given, after which an information be laid and a summons be issued by means of a ticket in accordance with the procedure set out in Section 14 of the Offence Act. These tickets would make it an offence for a named person to keep a specified animal or number of animals contrary to the provisions of the bylaw.

