

RE: REVIEW OF ANIMAL CONTROL AND LICENSING
REGULATIONS IN BURNABY

MUNICIPAL MANAGER'S RECOMMENDATION:

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

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TO: MUNICIPAL MANAGER 1988 February 25
FROM: DIRECTOR FINANCE File: D57
RE: REVIEW OF ANIMAL CONTROL AND LICENSING
REGULATIONS IN BURNABY

RECOMMENDATION:

1. THAT a copy of this report be forwarded to the Ad Hoc Committee on Dog Control so that the Committee can consider the recommendations which are within their terms of reference.

SUMMARY

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

- . identify and control vicious dogs
- . regulate biting dogs
- . update and improve licensing and impoundment fee structures
- . improve dog control in parks

We are proposing that a copy of this report be forwarded to Council's Ad Hoc Committee on Dog Control so that the Committee can consider the recommendations that are within their terms of reference. A copy of the Committee's terms of reference is presented in Appendix B.

REPORT

As reported to Council on several occasions in the past few months, staff have been reviewing the municipality's overall animal control program. This report outlines the results of the review.

There are five parts to the review of animal control:

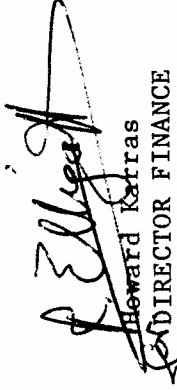
- . Part I presents an introduction to animal control and licensing in Burnaby. It outlines the history of our animal control regulations and it describes how these regulations have been tested and modified to meet the changing needs of our developing community. It concludes that public attitudes towards dogs have changed the philosophy of animal control in Burnaby to where owning a dog is becoming a privilege, not a right.

- 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 by-law such as a registration program for vicious dogs, muzzling of registered vicious dogs, substantial fines, detainment/quarantines 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 licensing and impoundment fee structures. It proposes a series of changes that would update and improve our animal control program. These changes include higher impoundment fees for repeat offenders; ability to ticket for keeping an unlicensed animal; exemption from the by-law for guide dogs for the blind, hearing dogs and police dogs; 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 by-law which include identifying areas in parks where dogs can not be taken, an exemption from the leash law for dogs participating in special organized events and restrictions on the number of cats a household can keep. This part also discusses the keeping of exotic animals and identifies nuisance raccoons as being a problem for further study.
- Part V is a summary of the recommendations arising from each part of this review.

In that Council has set up an ad hoc committee to consider some of the aspects of animal control contained in this study, we propose that a copy of this report be referred to the Committee so that they can consider those recommendations that are within their terms of reference.

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

- First are changes to our animal control by-law which are within the existing powers of Council. These are presented as recommendations in Appendix A, Part V. By-law amendments will be presented to Council after the Ad Hoc Committee on Dog Control has reported on those recommendations which are within their terms of reference.
- Second are by-law amendments which are not within the existing powers of Council. These are shown as 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 FCM 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.


Howard Kartras
DIRECTOR FINANCE

DWM:RE:ah
Attach.

cc. All Directors
Chief Public Health Inspector
Municipal Solicitor

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REVIEW OF ANIMAL CONTROL AND LICENSING REGULATIONS IN BURNABY

SUMMARY REPORT

	Overview Conclusions
Part I	Introduction and Philosophy
Part II	Control of Vicious Dogs
Part III	Licensing and Impoundment Fee Structures
Part IV	Other Animal Control Issues
Part V	Summary of Recommendations

OVERVIEW CONCLUSIONS

This report summarizes the review of Burnaby's animal control and licensing 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 licensing 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 have changed the philosophy of animal control in Burnaby to where owning a dog is becoming a privilege not a right.
- . 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 by-law such as a registration program for vicious dogs, substantial fines, detainment/quarantines 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 licensing 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; exemption from the by-law for guide dogs for the blind, hearing dogs and police dogs; 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 by-law which include identifying areas in parks where dogs can not be taken, an exemption from the leash law for dogs participating in special organized events, and discusses the keeping of exotic animals and identifies raccoons as being a growing nuisance.
- . 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 licensing 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 by-law for the licensing of dogs. The purpose of these initial regulations was to identify dogs involved in attacks on livestock and other domestic animals. While the original by-law 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, a growing number of public complaints caused the Parks and Recreation Department to conclude that the "care and control" by-law was not effectively regulating animals in parks. As a result, the Burnaby Parks By-law 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 by-law 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 by-law 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 by-law violations pursued through the courts were successful.

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

By-law No. 6191 is a "leash law" which stated 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.

In combination, 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, "participation" 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 over-zealous.

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This situation 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, By-law 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 By-law 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

Just as Burnaby's animal control regulations have evolved over the years in response to the changing needs of the community, so too the underlying philosophy has changed. Where owning animals was once a little controlled "right" it has now become a highly controlled "privilege". Most of this change in philosophy 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 "man's best friend". While this expression may be inappropriate today, the essence of what it means remains valid. It is this underlying sense which has maintained dogs in the community.

While dogs remain a generally accepted part of the community, they are beginning to lose their unanimous support. 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 has changed. 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 change in public attitude is changing the philosophy of animal control in Burnaby to where owning a dog is becoming a privilege and not a right.

Expressed a different way one could say that "Burnaby is for people" and that "dogs are to be accommodated in such a way that public health, safety and enjoyment take precedence."

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 anywhere 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 licensed 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 By-law
- 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 a reflection of the heightened sensitivity and concern in the community regarding pit bulls and high profile vicious dog incidents. We estimate that only one-third of the bitings which actually occur are reported to our poundkeeper.

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 by-laws, 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. These boards or commissions often consist of a representative of the Health Department, police department, a veterinarian, representatives of the local humane societies 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.

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 by-law 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 by-laws 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 by-laws impart authority to the pound officer which is not authorized by the Municipal Act. In Penticton (1986) and North Vancouver (1984) these by-laws 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 by-law. These provisions define a vicious dog as :

- any dog with a propensity, tendency or disposition to attack or to cause injury to another domestic animal or human

- any dog which bites another domestic animal without provocation
- any pit bull terrier (defined as any Staffordshire Bull Terrier, breed or dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier, or American Staffordshire Terrier so as to be identifiable as a particular breed of Staffordshire Bull Terrier, or American Staffordshire Bull Terrier by a qualified veterinarian).

Vancouver's by-law also requires;

- a vicious dog to be securely confined when on the owner's property
- a vicious dog to be on a leash and muzzled when off the owner's property.

This by-law 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. These by-laws 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 by-law 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 by-law that will act as a deterrent to those owners whose dog might have a propensity to bite. We must quickly and firmly regulate those bitings held to be "not serious enough" to warrant criminal charges or statutory action. We must also develop a system that will allow us to identify, record and restrict dangerous dogs. We must ensure that our animal control officers and police are trained to identify and process vicious dog attacks which are serious enough to merit statutory proceedings against a dog and/or criminal charges against its owners.

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 by-law be amended to provide for this detention. The detention and quarantining of biting dogs can also be justified from a community health point of view for the prevention of rabies.

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 by-law 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 Municipal Act or the Criminal Code of Canada in order to implement:

- Order the detention of dogs which may be carrying a disease which is contagious to humans or other animals.
- Prohibit from the municipality any dogs which are on record as being vicious.
- 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).

PART III - LICENSING AND IMPOUNDMENT FEE STRUCTURES

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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 By-law No. 6191, sections of the Burnaby Parks Regulation By-law No. 7331, sections of the Burnaby Zoning By-law No. 4742, the Burnaby Kennel By-law 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 licensing, the keeping of dogs and fees structures.

Licensing 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 licensing 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 licensed dogs.

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

A. The Keeping and Licensing of Dogs

In Burnaby, the number of dogs a household can keep is regulated by the kennel provisions of our zoning by-law 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 by-law 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 by-law 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 by-laws throughout the Province.

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

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.

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 by-law 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 licensed 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. We are considering increasing this licence fee to \$40.00. This is aimed at further reducing the number of dog bitings in Burnaby.

Many dogs are too young to be spayed/neutered during the licence year in which they are born. We propose that a dog owner be permitted to licence any dog born in the current licence year at the spayed/neutered rate, providing that they present a certificate or a receipt indicating that they have prepaid a licensed and qualified veterinarian to have that dog spayed/neutered within a year.

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 by-laws 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.

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 licensed 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 by-law 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 by-law 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 licensed dogs. We propose to specify this in the by-law. 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 the appropriate fee.

vi) New Owners

Our animal control by-law 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 by-law.

vii) New Dogs

Where a licensed dog dies, we believe the owner should be permitted to transfer the licence to a replacement dog. We propose to specify this in the by-law.

viii) By-Law Exemptions

As a longstanding practice, our animal control program has not charged guide dogs for the blind, guide dogs in training, handicap assistance dogs or police dogs a licence fee. These dogs have a special status in our community and we propose that they be exempt from our animal control by-law.

ix) By-law Name

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

The recommendations from this section are 15 to 23.

C. Changes to the Municipal Act

There are several issues which we propose to pursue, and which require amendments to the Municipal Act. These are:

- . Restrict dog ownership and/or licensing 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 licensing conditional upon certain criteria, i.e. up to date rabies vaccination, liability insurance, etc.

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 by-law and the Burnaby Parks Regulation By-law.

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 playgrounds, playing fields, picnic area, bowling greens, golf courses and the tennis courts.
- 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 By-law in the municipal animal control by-law.

- 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.
- 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.

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

The recommendations from this section are 24 to 29.

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 virtually impossible to enforce without a ticket.

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 By-law. The number of cats is limited to two. The fact that our zoning by-law is not enforced by our poundkeeper makes this aspect of our animal control program awkward and inconsistent with other by-laws throughout the Province.

To overcome this concern, we propose to add to our animal control by-law 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 by-law recommendations if and when they are required.

The recommendations from this section are 30 and 31.

D. Exotic Animals, Birds and Reptiles

The keeping of exotic pets has not traditionally been a regulatory problem in Burnaby. Those parrots, snakes, tarantulas, iguana, monkey and tropical fish that are in Burnaby are rare enough and well enough cared for so as to be virtually unheard of. Recognizing that these animals are for the most part not a problem we see no reason to regulate or restrict their keeping.

We will continue to monitor exotic animals in our community. Should they become a problem, we are prepared to propose by-law changes that would restrict their keeping.

E. Wildlife

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

Burnaby's animal control by-law 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 by-law that would correct this situation.

The recommendation from this section is 32.

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. At the same time we believe that the control of animals to ensure public health and safety remains our primary objective and the main focus of municipal efforts and resources.

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.

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

Control of Vicious Dogs (See Part II)

The following changes to our animal control by-law will improve our ability to regulate biting 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 Municipl Act through the U.B.C.M. to gain the authority. We recommend the following amendments for immediate inclusion in our animal control by-law. (Recommendation numbering is continuous throughout this report.)

1. Definitions:

VICIOUS DOG means any dog that has injured or caused injury to a person or domestic animal (by attacking, biting, or otherwise acting in an aggressive, threatening or frightening manner) or which according to the records of a government office or its agent has previously injured 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 enclosed pen or other structure capable of preventing inadvertent entry and especially the entry of young children and adequately constructed to prevent the dog from escaping.

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

- . a quarantine period of up to 10 days to ensure that the animal is not carrying a disease contagious to humans and/or
- . 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 enclosed pen or other structure capable of preventing inadvertent entry and especially the entry of young children and adequately constructed to prevent the dog from escaping and/or ;
- . 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 owner of an impounded or seized vicious dog shall apply for the release of his 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.

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 his 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 by-law, 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.

Licensing and Impoundment Fee Structures (see Part III)

The following changes to our animal control by-law will consolidate, update and clarify our regulations as they relate to dog licensing 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 by-law. (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 By-law 1965, By-law No. 4742.

10. Replace section 3.(1) and 3.(1)(a) of By-law 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 a person operating a kennel, veterinary hospital, or pet store duly licensed by the Corporation of Burnaby. An animal shall be deemed to be harboured if it is fed or sheltered for three consecutive days 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 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.

14. Set the fine for the ticket recommended in recommendation 13 at \$25.00.

15. A dog owner may licence any dog born in the current licence year at the spayed or neutered rate providing that he presents a certificate or a receipt indicating that he has prepaid a licensed and qualified veterinarian to have that dog spayed or neutered within a year.

16. Other than as noted in section (4) of by-law 6191 no person shall be entitled to a licence fee refund under this by-law.

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 licensed 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 by-law ceases to be the owner, the licence shall be cancelled.
21. Where a licensed 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 by-law, the following shall be exempt from the provisions of this by-law;
 - . a dog certified by the Canadian National Institute for the Blind as a guide dog for the blind.
 - . a dog certified by the Canadian National Institute for the Blind as 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 By-law (No. 6191) be changed to the Burnaby Animal Control By-law.

Other Animal Control Issues (see Part IV)

The following changes to our by-laws will improve our ability to control dogs in parks, and restrict the keeping of cats. These changes will also update our by-law 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.
25. 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.
26. 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.
27. No dog or animal is allowed at Deer Lake beach area, adjoining waters and the parking lot.
28. No dog or animal is allowed on playgrounds, playing fields, picnic areas, bowling greens, golf courses and the tennis courts.
29. Dogs participating in special organized sports or activities, approved by the Parks and Recreation department, will be allowed off leash in a designated area of a park while participating in these activities.

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30. 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 a person operating a kennel, veterinary hospital or pet store duly licensed in and by the Corporation of Burnaby. An animal shall be deemed to be harboured if it is fed or sheltered for three consecutive days.
31. That for a contravention of those clauses in our animal control by-law which regulate the keeping of cats, 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 by-law.
32. Remove any reference to the impounding of skunks, raccoons, squirrels, and foxes from By-law 6191.

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APPENDIX B

TERMS OF REFERENCE

AD HOC COMMITTEE ON DOG CONTROL

1. To define the degree to which the community needs and wants control of vicious dogs; and to propose a strategy for such control.
2. To outline specific education actions which could be undertaken to inform the public regarding responsible dog ownership and control, and to assign responsibility for such actions.
3. To define the recreational needs of dog owners and how those needs may be met within the general context of prevailing by-laws and legislation.
4. To report their recommendations to Council by 1987 November 30.

Adopted by Council at the regular meeting of 1987 June 01.