



REVISED

Item..... 04
Meeting..... 2013 Sep 09

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2013 September 03
FROM: DIRECTOR FINANCE **FILE:** 43000-04
SUBJECT: BURNABY ANIMAL CONTROL BYLAW
PURPOSE: To obtain Council approval to amend the Burnaby Animal Control Bylaw.

RECOMMENDATIONS:

1. **THAT** Council adopt the amendments to the Burnaby Animal Control Bylaw 1991 as presented in this report.

REPORT

1.0 BACKGROUND

The Burnaby Animal Control Bylaw No. 9609 was adopted in 1991 and it has been amended 18 times to enhance the bylaw and update the fees. The bylaw is intended to encourage responsible pet ownership and to provide regulation to protect both pets and the general public. While largely successful in providing both a regulatory framework and an educational tool to meet the City's objectives, recent calls from the public both favouring and opposing regulations within the bylaw have prompted staff to undertake a review of the bylaw. This report will address the existing breed specific (Pitbull) regulation and other general bylaw housekeeping items. An additional report focusing on pet store regulations will be provided to Council at a later date.

2.0 BURNABY'S ANIMAL CONTROL BYLAW

The Animal Control Bylaw regulates the keeping of animals in the community through three guiding principles: responsible pet ownership, animal welfare, and consideration of non-pet owners.

Currently the Animal Control Bylaw is made up of the following eight primary components:

- Animal welfare
- Animal control
- Animal nuisance
- Vicious dogs
- Bylaw administration
- Licences and fees
- Seizure and impoundment
- Enforcement and penalties

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Bylaw enforcement and operation of the animal shelter are contracted services provided by the BCSPCA. The effectiveness of the provision of bylaw services and shelter operations is monitored by City Licence staff through regular discussions and meetings with BCSPCA representatives as well as feedback from the community.

Two common measures of an animal control program are the number of dog licences issued and the number of shelter intakes. Increased licences and fewer animals in the shelter are considered indicators that pet owners are being responsible in caring for their dogs and cats. Annual statistics for Burnaby from 2008 to 2012 show both measures are trending positively (Attachment 1). Over the past five years the number of dog licences issued has increased by 10.4% from 5000 to 5519 and the number of dogs and cats impounded as strays has decreased by 36% and 28% respectively. The number of pets surrendered to the shelter has remained relatively constant over the same period.

3.0 BYLAW REVIEW

The subject of animals and particularly pets can stir the emotions of a community. The bylaw review has been conducted with a balanced consideration for Burnaby residents (both pet owners and non-pet owners) and Burnaby businesses involved with pets. This work included a review of presentations by delegations to Council and correspondence from Burnaby residents and animal welfare organizations; and discussions with the BCSPCA, pet store owners and the pet industry through the Pet Industry Joint Advisory Council (PIJAC). Bylaws from Vancouver, District of North Vancouver, Coquitlam, Surrey, Richmond, Victoria, Calgary, Toronto and San Francisco were reviewed to get an understanding of other cities' animal welfare control programs.

3.1 Bylaw Change Request – Breed Specific Designation for Pitbulls

At the 2012 June 11 Council meeting, Ms. Kristen Neratini presented as a delegation requesting the removal of Burnaby's breed specific bylaw designation for Pitbulls. Further public support for the removal of the breed specific regulation was noted through e-mail and two petitions. Forty-nine e-mails were received; 34 were from Burnaby residents. A petition of support against breed specific regulation with 425 signatures (174 signatures from Burnaby residents) was received on 2013 April 29. Additionally, a second petition of support for the removal of the breed specific regulation with 172 signatures (from petitioners in various cities) was also received on 2013 July 02. Two e-mails were received in support of breed specific regulation.

Burnaby, Richmond and West Vancouver are cities in the region with breed specific bylaw designations. Burnaby's Animal Control Bylaw currently defines a vicious dog as either:

- (a) a dog that without provocation has bitten or caused injury to a human being or to a domestic animal, but does not include a dog that has bitten or injured a trespasser, and;
- (b) a Staffordshire Bull Terrier, an American Pitbull Terrier and any dog generally recognized as a Pitbull or Pitbull Terrier and includes a dog of mixed breed with predominant Pitbull or Pitbull Terrier characteristics.

Table 1 provides annual data on reported dog bites to both animals and humans between 2007 to May 2013, and includes a projection of the total number of bites for the balance of 2013. The table also identifies the number of times a particular breed was identified as the animal which has bitten and when that breed was identified as a Pitbull or German Sheppard, the most frequently identified biting breeds over this period.

The data illustrates that the number of reported bites is trending upwards, from 69 in 2007 to 81 in 2012, an increase of 17.4%. Based on data collected until end of May 2013 projected incidents for 2013 are 94.

Table 1 – Review of Dog Bites								
	2007	2008	2009	2010	2011	2012	2013 (May)	Total
Bites to:								
Animals	35	35	30	35	44	44	17	240
Humans	34	44	31	36	37	37	18	237
Yearly Total	69	79	61	71	81	81	35	477
Breeds Identified*								
Pitbull	7	2	2	8	11	12	10	52
German Sheppard	8	3	8	5	6	4	1	35

*Note: In some instances the BCSPCA is unable to positively determine the breed because their involvement begins only after the incident has taken place, and the dog and the owner are no longer present.

Since 2007 there have been 477 reported dog bites in Burnaby, unfortunately in only 50% of the cases was it possible to identify the breed of the dog that committed the biting. Of the 239 bites where breeds were identified, 52 (21.76%) were committed by Pitbulls. Of the total 477 reported bites, Pitbulls were responsible for at least 10.9% of the incidents. Pitbulls represent the largest number of bites attributed to any breed. In 2013, 30% or 10 of the biting incidents where the breed could be identified were committed by Pitbulls. The number of bite incidents involving Pitbulls in Burnaby is amplified by the fact that this type of dog accounts for 2% (113) of licenced dogs in the City.

The second highest number of bites by breed since 2007 is attributed to German Sheppards which have been identified in 35 (14.6%) of breed identified bite incidents and 7.3% of all bite incidents. In 2012 there were 296 German Sheppards licenced in Burnaby; this was 5.4% of licenced dogs.

The number of bite incidents involving Pitbulls in Burnaby is concerning, and further compounded by this breed's potential to inflict significant injuries. Dogsbite.org, a United States based dog bite victims' group, reports that Pitbulls were responsible for 61% (23 of the 38) of U.S. fatalities due to dog attacks in 2012.

3.1.1 Current Bylaw Requirements for the Keeping of Vicious Dogs

Currently Burnaby's Animal Control Bylaw requires that owners of a vicious dog must:

- Ensure that the dog is muzzled and leashed at all times whether the dog is on a highway or in a public place.
- Ensure that while the dog is on the owners premises that it be kept indoors or within an enclosure within a fenced yard that is:
 - capable of preventing inadvertent entry by any person including a child,
 - adequately constructed to prevent the dog from escaping or inflicting harm on any person or domestic animal, and
 - posted with a sign at each point of entry advising that a vicious dog is within.

3.1.2 Recommended Bylaw Amendments for the Keeping of Vicious Dogs

The trend in increasing dog bite incidents in Burnaby is concerning and indicates that improved education and stronger bylaw measures are necessary to address public safety relating to vicious dogs. Based on bite data for Burnaby's breed specific bylaw designation noted in the Burnaby Animal Control Bylaw, maintaining and strengthening the breed specific provision in the bylaw is recommended.

The following are the proposed bylaw amendments for vicious dogs:

1. Establish a \$500 fine for vicious dog incidents and increase the impound fees for dogs designated vicious from \$200 to \$400.
2. Increase vicious dog impound period from 10 to 21 days.
3. Establish licence fees for vicious dogs at \$100 (altered) and \$150 (unaltered).
4. Increase off-leash fines for vicious dogs from \$100 to \$200.
5. Maintain muzzle and leash requirements for current breed specific designated dogs and apply other vicious dog regulation based on incident.
6. Establish a \$200 fine for aggressive dog incidents where no bite occurs.

4.0 ANIMAL CONTROL BYLAW AMENDMENTS

The proposed bylaw amendments contained in Attachments 2, 3, 4 and 5, have been prepared in consideration of Burnaby's current bylaw and animal control program, other city bylaws, as well as discussions, literature and correspondence from animal related organizations and the general public. In addition to the recommended vicious dog regulations, the proposed amendments are intended to address current pet trends, regulatory gaps, fee structures and public safety. A number of housekeeping amendments are also proposed.

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The notable proposed changes are:

- Increase the number of dogs permitted per household from two to three to meet community needs and current regulatory trends.
- Establish a list of prohibited animals that includes poisonous or venomous animals to address potential public safety issues.
- Update the animal fee structure to reflect current service deliverables and costs.

5.0 RECOMMENDATIONS

The review of the Burnaby Animal Control Bylaw found the bylaw generally sound in terms of application in the community. Identified regulatory deficiencies relate primarily to dog attack incidents, pet store regulations and updating to reflect current standards found in neighbouring cities. The bylaw amendments proposed in this report are intended to address these gaps and enhance the City's animal control program. It is recommended that Council adopt amendments to the Burnaby Animal Control Bylaw as presented in this report.

The Community Charter requires that proposed changes to business regulation be published as notification of intention. The notice is to provide an opportunity for those persons who consider themselves affected by the bylaw changes to make representation to Council. Notification of intention will be published in two consecutive issues of a local newspaper and on the City's website at www.Burnaby.ca to invite written comments to staff. Written comments must be received no later than 2013 September 20 and will then be compiled for presentation to Council.

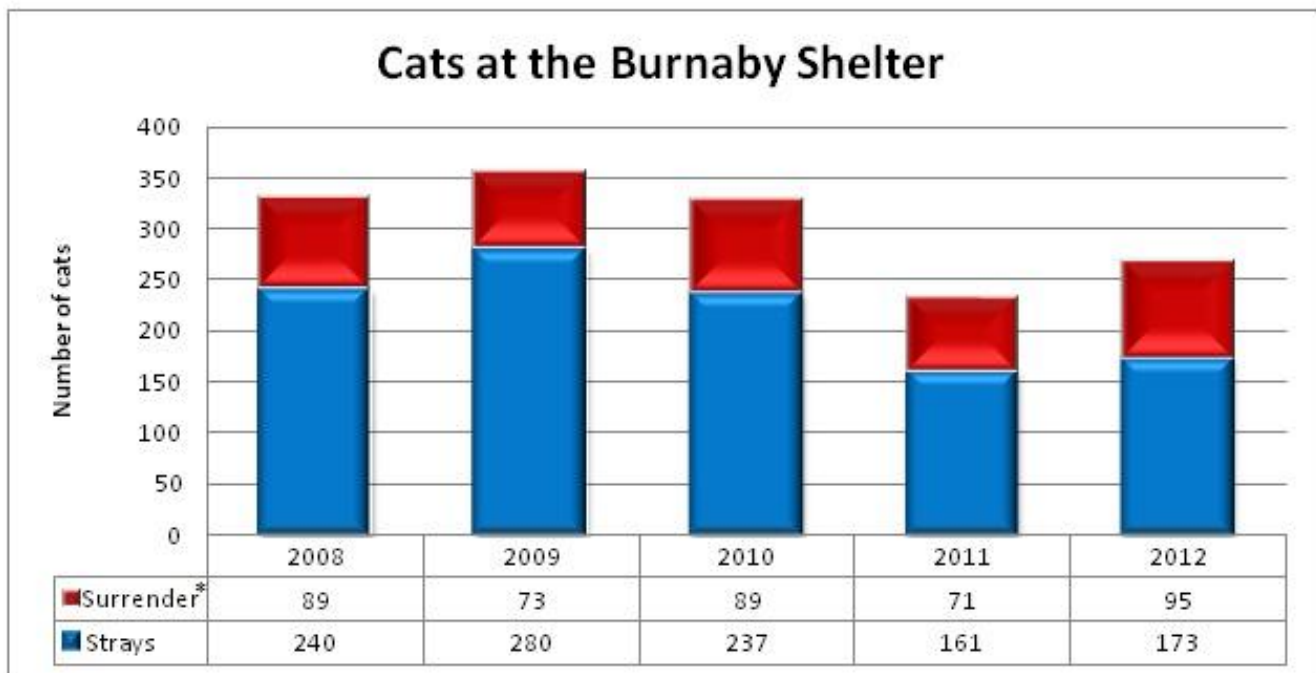
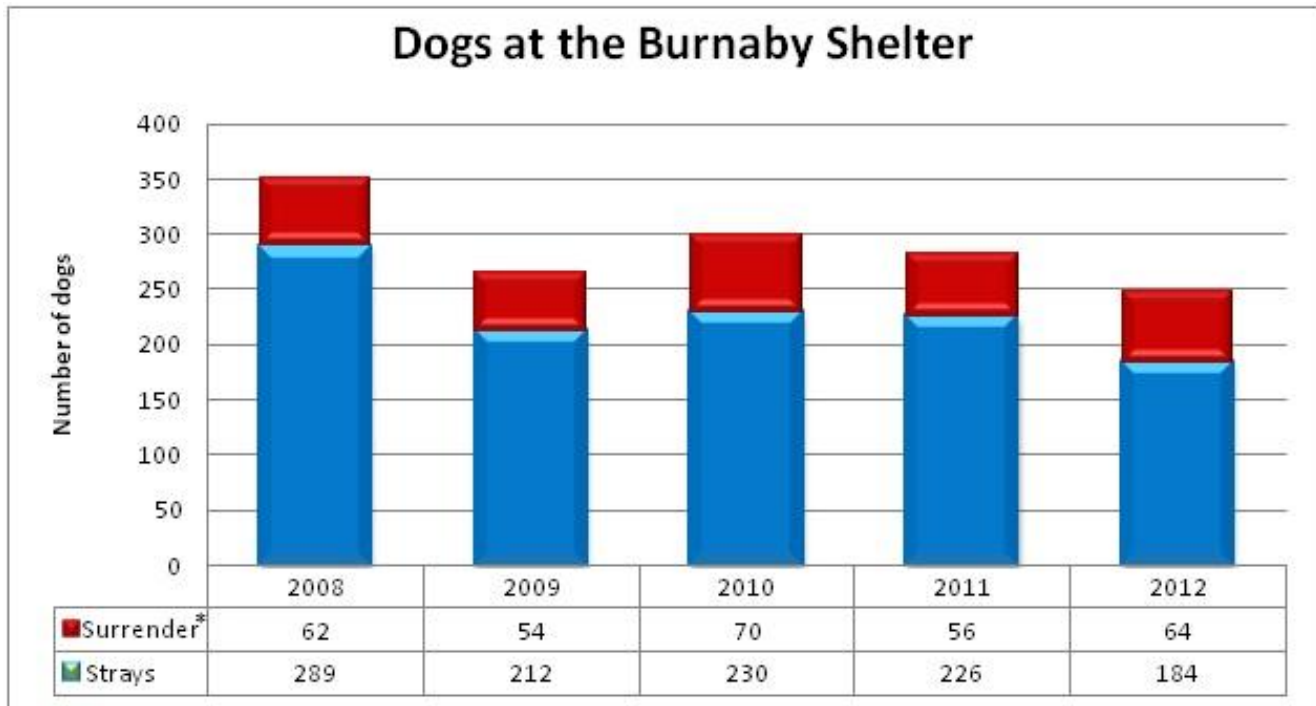


Denise Jorgenson
DIRECTOR FINANCE

DJ:DL /ab

*Attachments: #1 – Annual Statistics
#2 – List of Prohibited Animals
#3 – Proposed Animal Control Bylaw Amendments – New and Updates of Existing Regulations
#4 – Proposed Animal Control Bylaw Amendments – Housekeeping
#5 – Animal Licence Fees for Dogs*

Copied to: City Manager
City Solicitor
BCSPCA Provincial Office - Vancouver

Annual Statistics

**Note: Refers to an animal that has been voluntarily given to the SPCA by its owner.*

List of Prohibited Animals

- all nonhuman primates
- all felidae, except the domestic cat
- all canidae, except the domestic dog
- all ursidae (bears)
- all proboscidea (elephants)
- all pinnipedia (seals, walrus)
- all marsupials
- all edentates (anteaters)
- all xenarthra (such as sloths, armadillos, and tamanduas)
- all monotremata (spiny anteater and platypus)
- all venomous or poisonous reptiles and amphibians
- all venomous and poisonous invertebrates (black widow spiders, tarantulas)
- all ungulates, except the bison and domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, and alpaca
- all hyaenidae (hyenas)
- all hyracoidean (hyraxes)
- all mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret
- all procyonidae (raccoons, coatimundis)
- all viverridae (civets and genets)
- all herpestidae (mongooses)
- all cetacean (whales, porpoises, dolphins)
- all chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews)
- all lagomorphs (rabbits and hare), except the domestic rabbit

Proposed Animal Control Bylaw Amendments
(New and Updates of Existing Regulations)

Proposed New Bylaw Regulations		
1. Offence and vicious animal penalties	Fines for bites, attacks, aggression causing injury	Address trend to dog bites
2. Aggressive dog	Uncontrolled dog not permitted and fineable offense	Address trend to dog bites
3. Prohibited animals	Establish prohibited animal list (<i>Attachment #2</i>)	Update of bylaw
Current content	Proposed change	Reason for change
4. Parks designated off leash areas	Add that vicious dogs and specific breed must be muzzled	Public safety
5. Vicious dog seizure for up to 10 days	Change to 21 days	Address trend to dog bites
6. Spay/neuter validation certificate	Change to present upon request for online business	Facilitate online service
7. Replacement licence fee \$1.00	Change replacement licence fee to \$5.00	Update and move to fee schedule
8. Licence cancelled with change of owner	Change to transfer licence to new owner for \$10.00	Update and move to fee schedule
9. Licence of deceased dog transferrable to new dog	Add \$10.00 transfer fee for new dog	Update and move to fee schedule
10. Two dogs and four cats per dwelling	Change to three dogs and four cats per dwelling	Update of bylaw
11. Two venomous animals and secure container	Change to no poisonous or venomous animals	Public safety
12. Conditions to release animals other than vicious dogs	Add payment of all fees as a condition of release for all animals	Update of bylaw
13. Investigate animal limits and give 14 days compliance	Remove 14 days requirement	Allows for variance in compliance
14. Impound fees	Update impound fees	Update of bylaw
15. Boarding and maintenance fees	Update boarding/maintenance fees	Update of bylaw

Proposed Animal Control Bylaw Amendments
(Housekeeping)

Current Content	Proposed change	Reason for change
1. Licence expires Dec 31 each year	Change to include anniversary renewals	Housekeeping
2. Chief Licence Inspector maintains licence records	Add in accordance with records management policy	Housekeeping
3. Unlawful removal of licence from dog	Remove due to redundancy	Housekeeping
4. No animal except a cat to be at large	Change to read no animal except domestic cat	Housekeeping
5. Any animal at large	Reword to “animals except a domestic cat”	Housekeeping
6. Order to destroy under Livestock Protection Act	Change to reference Community Charter – dangerous dog	Housekeeping
7. Pound hours 9-6 M-F, 9-12 Sat, closed stats	Remove due to provisions in contract	Housekeeping
8. Proceeds of sale above City costs claimed by owner	Remove as no longer relevant	Housekeeping
9. Payment of disposal fee for pound keeper to dispose of animals	Remove as no cremation services at shelter	Housekeeping
10. Designated animal control officer for Local Government Act	Change to reference Community Charter – dangerous dog	Housekeeping
11. Violations subject to summary offense and fine \$500	Change to reference bylaw violation fee schedule	Housekeeping
12. Designate violation notice for 3(1), 5(1), 5(3)	Change to reference bylaw violation fee schedule	Housekeeping
13. Update and delete disposal fees	Remove as service not provided by shelter	Housekeeping
14. Delete violation notice fees	Remove as included in bylaw adjudication fees	Housekeeping

Proposed Animal Control Bylaw Amendments (Fees)

Annual Licence Fees For Dogs			
	Paid Before Mar 1	Paid on or After Mar 1	
Spayed or neutered dog	\$ 26.00	\$ 36.40	Unchanged
Unaltered dog	\$ 52.00	\$ 62.40	Unchanged
Vicious dog spayed or neutered	\$100.00	\$100.00	Proposed
Vicious dog unaltered	\$150.00	\$150.00	Proposed

	Licensed Dog		Unlicensed Dog	
	Current	Proposed	Current	Proposed
First impoundment	\$ 35.00	\$ 50.00	\$70.00	\$100.00
Second impoundment	\$ 70.00	\$150.00	\$70.00	\$200.00
Third and subsequent impoundments	\$140.00	\$300.00	\$70.00	\$350.00
Proposed fees for all other animals:				
1 st impoundment	\$ 20.00			
2 nd impoundment	\$ 60.00			
3 rd and subsequent impoundments	\$ 120.00			

Boarding and maintenance fees		
	Current	Proposed
<i>Daily rates (no part-time rates)</i>		
Each dog	\$8.00	\$15.00
Each cat and small animal	\$4.00	\$ 5.00
Other animals	\$4.00	\$10.00

	Penalty amount	Paid in 15 days	Compliance agreement for 50% reduction
Proposed new regulation fines			
Dog bite	\$500.00	\$400.00	No
Dog aggression	\$200.00	\$160.00	No
Vicious dog off leash	\$200.00	\$160.00	No
Keeping poisonous/venomous animals	\$100.00	\$80.00	Yes
Pet store regulations	\$100.00	\$80.00	Yes