

Subject: Bylaw No. 23/009 Bylaw Amendment to the Responsible Pet Ownership Bylaw No. 19/025, the Community Standards Appeal Committee Bylaw No. 19/001 and the Fees, Rates And Charges Bylaw No. 22/012.

APPROVALS:

Paul Thorkelsson

Director

Chief Administrative Officer

Recommended Motion:

THAT Bylaw No. 23/009, being a bylaw to amend the Responsible Pet Ownership Bylaw No. 19/025, the Community Standards Appeal Committee Bylaw No. 19/001 and the Fees, Rates and Charges Bylaw No. 22/012, be read a first time.

Summary:

The Responsible Pet Ownership Bylaw No. 19/025 was reviewed to ensure it met the needs for the wellbeing and security of pet owners, their animals, and the Region. Administration recommends that the Responsible Pet Ownership Bylaw No. 19/025 is amended to improve enforcement standards and responsible pet ownership.

Background:

The Responsible Pet Ownership Bylaw (the Bylaw) has been in effect since November 19, 2019, and has helped promote safe and responsible pet ownership. With the changing needs of the community, legislative recommendations from court proceedings, feedback from community members and our front-line Bylaw Enforcement Officers, the Bylaw has been reviewed and Administration is recommending amendments to certain aspects of the Bylaw.

The purpose of the amendments to the Responsible Pet Ownership Bylaw is to improve public safety, further promote responsible pet ownership, address concerns of the community, and strengthen the ability of Bylaw Enforcement Officers to protect the community through judicial processes.

General Amendments:

1. General housekeeping amendments:

- a. removing the word “provocation” in the requirement to declare an animal vicious and clarifying the situations where the Animal Control supervisor can declare an animal vicious.
 - b. clarifying the Municipality has no legal obligation to have an animal’s behaviour assessed by an independent expert but instead, the Animal Control supervisor can require an owner to obtain a behavioural assessment in a number of identified situations where there may be concern about an animal’s behavioural tendencies.
 - c. clarifying that restrictions on setting a cat trap do not apply where it is being set under the direct supervision of a Peace Officer.
 - d. clarifying the importance of public safety as a factor when the Animal Control Supervisor makes a decision to declare an animal vicious and when the Community Standards Appeal Committee considers an appeal.
 - e. clarifying the situations under which a Bylaw Officer has the authority to take possession of and impound an animal, for example, when an owner’s dog has been declared vicious and the owner is not abiding by the conditions in the bylaw for owning a vicious animal.
 - f. clarifying that an animal cannot be tethered on public property and in the case of an animal tethered on private property, the tether may not extend outside the boundaries of that private property and the animal cannot be left unattended.
 - g. specifying that the means of disposal for animal defecation must be a plastic bag that must be produced upon demand of a Bylaw Enforcement Officer.
 - h. clarifying that it is an offence to provide false or misleading information to the Bylaw Enforcement Officer in any circumstance, not only on the License Application.
2. Including a sample vicious animal sign to create consistency in the manner in which the public obtains notification that a vicious animal resides on the property.
 3. Creating more offence categories for situations where a dog attacks or bites another animal or human to allow for a variety of fines depending on the severity of the offence.
 4. Changing the parameters for declaring an animal a Nuisance Animal so that it is not dependent on the number of convictions under the Bylaw (this previous approach was resulting in a delayed declaration because of the time required for court proceedings, which is often beyond the Municipality’s control); instead, the

proposed changes allow an animal to be declared nuisance by the Animal Control Supervisor under certain described situations, provide an opportunity for the owner to provide their perspective and an appeal now exists to the Community Standards Appeal Committee so that an owner has a right to seek a review of the decision.

5. Granting the Animal Control Supervisor the ability to require an owner and animal to obtain a behavioral assessment or attend obedience training when the requirements outlined in the bylaw have been met. The assessment or training must be conducted by a certified trainer and at the owner's cost.
6. Updating the Animal Control fee schedule, which was missed when the most recent Fees, Rates and Charges 2023 Bylaw was passed.

Rationale for Recommendation:

The amendments reflect research on best practices from other enforcement agencies and incorporates concerns raised during court proceedings and from our front-line enforcement officers.

Strategic Plan Values:

Building Partnerships
Rural and Indigenous Communities and Relationships

Attachments:

- 1. Bylaw No. 23/009 - Responsible Pet Ownership Bylaw Amendment**
- 2. Responsible Pet Ownership Bylaw Amending Bylaw No 23/009 - Redlined**
- 3. Responsible Pet Ownership Bylaw 19/025**