



Agenda No:	9.2
Mtg Date:	Feb 22/16

Regional Board Report

TO: Regional Board

FROM: Mary Jane Drouin
Manager – Corporate Services

DATE: February 9, 2016

SUBJECT: Amendments to the Responsible Dog Ownership Bylaw No. 1343

Purpose: To propose amendments to the Regional District's Responsible Dog Ownership Bylaw No. 1343

Executive Summary:

The Regional Board adopted a new responsible dog ownership bylaw in February 2014. The bylaw is a 'living document' and as such amendments will be recommended as required. The bylaw has been seen by many jurisdictions as a leading enforcement bylaw for dog control. Since adopted, staff has had the opportunity to review what changes would further enhance the bylaw.

Recommended amendments to Bylaw 1343 and the ticketing bylaws (No. 435 & No. 1326) include: increase in licensing for nuisance, aggressive and dangerous dogs; increase in the maximum number of dogs allowed; nuisance and aggressive dog owners given a 'second chance' to control their dogs; increasing fines for at-large dogs/fail to leash in public places and in parks; and increased fines for dangerous dogs. Dogs at-large and unleashed dogs cause the majority of complaints including attacks on people and other animals. Enforcement and holding the owner responsible is critical to ensure public safety.

RECOMMENDATION:

THAT Regional District of Central Okanagan Responsible Dog Ownership Amendment Bylaw be given first, second and third readings and adopted

Respectfully Submitted:

Mary Jane Drouin
Manager – Corporate Services

Approved for Board's Consideration

Brian Reardon, CAO

Implications of Recommendation:

Strategic Plan: Provide a cost effective dog control service that encourages responsible dog ownership and protects public safety.

Organizational: Focus staff resources on the development of a Dog Control Service based on responsible dog ownership.

Legal/Statutory Authority: RDCO Responsible Dog Ownership Bylaw No. 1343

Background:

Central Okanagan Dog Control Services work with, supports and encourages responsible dog owners across the entire Regional District. It is recognized that most dog owners follow the principles of responsible dog ownership by being in the care and control of their pet and in doing so, act as a good neighbour in handling their dog on and off their property. They license their dog(s), leash it in public, pick up their dog waste and keep it under their care and control at all times. Any dog owner exhibiting responsible behavior should have no problem complying with the requirements of the bylaw.

The following amendments are being recommended at this time:

- **Definitions**

Owners of nuisance and aggressive dogs are being given a second chance to take steps to be responsible with controlling their dog's behaviour. In the current bylaw, if a dog is declared a 'nuisance' or 'aggressive' it is for the life of the dog.

During the last two years, and in discussion with owners who have had their dog declared aggressive, it has become evident that in some cases the incident which occurred has been a 'wake-up call' for the owner. The incident may have been a 'one-off', they have taken steps to become better informed of their dogs behaviour, may have enrolled in dog training, and as better informed guardians of their dog become more responsible to help ensure further incidents don't occur.

Aggressive dog incidents can cause injury to a person or animal but are considered minor compared to dangerous dog attacks which falls under Section 49 of the *Community Charter* and which cause serious injury or death to a human or domestic animal.

As a tool, Dr. Ian Dunbar's Dog Bite Scale is used when investigating dog bites. An aggressive incident falls within the following evaluation: obnoxious or aggressive behaviour but no skin-contact by teeth; skin contact by teeth but no skin-puncture; or a single bite with no puncture deeper than half the length of the dog's canine teeth; maybe lacerations caused by victim pulling hand away, owner pulling dog away, or gravity (dog jumps, bites and drops to the floor).

If, after three years, a dog declared aggressive has no further incidents, the aggressive designation would be removed. A nuisance dog designation would be removed after one year. This provides owners and their dogs with a second chance.

- **Increase in 3 dogs per property**

Various local governments have regulations allowing more than 2 dogs, or no limit. For example, Vancouver – 3 dog limit; Fraser Valley Regional District – 3 dog limit; Capital Regional District – 3 dog limit; Calgary - no limit; Winnipeg – 4 dog limit.

Staff believes that if an owner is responsible for the care and control of their pet increasing the number of dogs will not be an issue, and if it is, the bylaw is there to hold an owner accountable. Additionally, landlords, strata corporations, and condo/apartment buildings provide their own regulations on whether dogs are permitted, often including the size and number of pets permitted. It is known there are owners who currently have three dogs and enforcement issues have not been a concern.

Results to the RDCO survey done in 2014 regarding licensing indicated 67% support for raising from 2 dogs to 3 dogs, 33% were against the increase.

Since the Responsible Dog Ownership Bylaw was adopted, dog owners have continued to ask staff for an increase in the number of dogs allowed for a variety of reasons. Some letters received include:

“Our reasoning for wanting a third dog is quite simple. Chanel is a 10 year old Boxer in rapidly declining health. Wilson is 6 years old and suffers from a lot of anxiety when he is left alone as they are together 98% of the time. We want to have another companion in place for Wilson now as we know Chanel’s time is limited. Three dogs would be temporary. Our dogs are not a nuisance to any of our neighbors as someone is usually home with them. They are never left outside when no one is home. Their outside space is our fully fenced and locked backyard. And, our next dog will be small breed only.”

“I would like to address the 2 dog limit that currently exists in the Regional District of Central Okanagan. My husband and I are the proud parents of two Giant Schnauzers who train and compete in dog agility. At some point, one of our dogs will be forced to retire from agility due to age or injury. We would appreciate the flexibility to adopt another dog while we still have the two so that we can continue to participate in our sport. We are responsible, dedicated dog parents who would only bring in another dog under the most ideal conditions. I am in support of the increase in the limit of dogs per household from 2 to 3.”

“I am writing this letter in hopes to encourage the Regional board of the Okanagan to reconsider their decision about the three dog limit. I have lived in numerous districts in British Columbia, from Vancouver to Prince George. Every district I have lived in had a three dog or more limit. When I moved to Peachland a few years ago and purchased our home, it never even occurred to me that there would be a bylaw against having my three dogs. Shortly after we moved our big dog passed away... There are many situations where, like with our family, our oldest dog is 14, blind and deaf. Every situation and every family has different needs. I would like to think that responsible pet owners should never be limited to what and when they choose to bring a pet into their lives. “

- **Leashing**

Part 6 – Dogs At Large Prohibited – further clarifies that when in anywhere public (ie: sidewalks, roadways, stores, public buildings) dog owners must keep their dog leashed and held by the Owner.

• **Microchip Dangerous Dogs**

Provides a deadline of 15 days for an Owner to get their dog micro-chipped and subsequently a fine (\$300) for failing to do so. It is important a dangerous dog can be identified should it be at large, or go missing.

• **Licensing**

The current bylaw does not allow for increased licensing fees for dogs that have been designated due to their behaviour.

Various local governments have moved to increase license fees for these designations.

Nuisance: Abbotsford & Edmonton \$100;
Aggressive: Delta \$210 altered, \$510 unaltered, Maple Ridge \$200, Port Moody \$235
Dangerous: Delta \$210 altered, \$510 unaltered, Merritt \$1,000, Port Moody \$494.20, Surrey \$258,

Staff is recommending the following license fees for dogs designated as:

	<u>Altered</u>	<u>Unaltered</u>
Nuisance Dog	\$ 40	\$ 80
Aggressive Dog	\$100	\$140
Dangerous Dog	\$500	\$500

A \$20 late fee (if license not renewed as of March 1st) would apply to each category.

Other Licensing Fees:

At year-end 2014 (19,815) to year-end 2015 (21,707) licenses were sold. But, we still have a way to go—it is believed there are more than 30,000-39,000 dogs in the Central Okanagan.

At this time, staff is not recommending any change to ‘regular’ license fees for unaltered or altered dogs. The Dog Control Technical Advisory Committee supports this recommendation and believes it is too early to consider increasing license fees. Emphasis needs to continue to get all dogs licensed in the Central Okanagan. This will increase the revenues required for the service to be more ‘self-supporting’.

For the Board’s information results to a survey done in 2014 regarding licensing include:

- 91% of respondents don’t support any increase in license fees from the current level. 60% of respondents support the \$20 late fee for people who don’t renew by the end of February.
- Should there be higher license fees for dogs declared Nuisance Dogs, 39% said yes and 61% said no. For Aggressive Dogs, 52% of respondents said yes and 48% said no. For dogs declared Dangerous, just over 59% said yes, while 40% said no.

• **Enclosures**

An amendment is required to clarify that a fence is required to be constructed in the rear yard.

Section 38(2) Aggressive Dog Enclosure requirement has been lessened. The new requirement is 'keep the Aggressive Dog within a fenced rear yard of adequate height to contain the dog and all gates shall be capable of being locked'. Currently, an aggressive dog when outside the house was required to be kept in an enclosure the same way as a dangerous dog. This is shown to be too restrictive.

- **Impoundment Fees**

Staff, and dog owners who have been subjected to increased impoundment fees, believe the current regulations are too punitive. Currently, a licensed dog on its first impoundment gets a 'free ride home', a second impoundment fee is \$100, a third is \$250, subsequent impoundment fees increase by \$300 to \$550 for 4th, \$850 for a 5th, \$1150 for a 6th and so on.

Staff are recommending from the fourth impoundment onwards, the fee be capped at \$500 for each subsequent impoundment.

Daily maintenance fees for dangerous dogs increase from \$20 to \$40 for each overnight detention.

Staff has reviewed the bylaw amendments with its animal control officers and the Dog Resource Group. We believe the proposed bylaw amendments will continue to hold dog owners accountable when they choose not to follow the bylaw. Any dog owner exhibiting responsible behavior should have no problem complying with the requirements of the bylaw.

The bylaw is a *'living document'* and amendments can and will be recommended as required.

External & Organizational Implications:

- Should the number of dogs per property be increased to 3, RDCO Zoning Bylaw No. 871 and Joe Rich Rural Land Use Bylaw No. 1195, as well as the City of West Kelowna Zoning Bylaw – section regarding Hobby Kennels will be required to be amended. The bylaws currently state "Hobby Kennel includes the wording 'means premises on which 3 to 20 dogs are kept". This would need to change to 'which 4 to 20 dogs are kept'.

Financial Considerations:

- Reduction in fine revenue due to decrease in impounding fees.
- Increase in licensing revenue – 2 dog limit, increasing to 3.
- Increase in licensing and operational revenue in regards to dangerous dogs.

Alternative Recommendation:

The Board may choose to not support a specific bylaw amendment recommended.

Attachment: Amendment Bylaw

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO.

A bylaw to amend the Regional District of Central Okanagan Responsible Dog Ownership Bylaw No. 1343

WHEREAS the Regional District of Central Okanagan has enacted the Regional District of Central Okanagan Responsible Dog Ownership Bylaw No. 1343;

AND WHEREAS it is necessary and desirable to amend said bylaw;

NOW THEREFORE, the Regional Board of the Regional District of Central Okanagan in open meeting assembled enacts as follows:

1. Part 2 – **DEFINITIONS**

Add the following:

Aggressive Dog Declaration means where a dog has been the subject of an Aggressive Dog Declaration under Section 35 of this bylaw, and the dog is not involved in any subsequent convictions under Section 35 for a period of 36 months from the date of the Declaration, the dog will no longer be declared to be an Aggressive Dog.

Menacing threatens to cause harm, putting in fear of physical harm.

Nuisance Dog License means where a dog has been the subject of a Nuisance Dog declaration under Section 34 of this bylaw, and the dog is not involved in any subsequent convictions under Section 34 for a period of 12 months from the date of the declaration, the dog will no longer be declared to be a Nuisance Dog.

Amend the following:

Nuisance Dog – delete, 'or a dog that repeatedly charges or lunges at a fence', and replace with 'A dog that is **menacing** by repeatedly charging or lunging at a fence.'

2. Part 4 – Maximum Number of Dogs, Section 14.
- Delete 'more than 2 dogs' and replace with 'more than 3 dogs'.
3. Part 6 – Dogs At Large Prohibited, Section 25.
- Add 'Dogs must be kept on a secure leash held by the Owner'.
 - After Section 25, Add **Parks and Areas**

4. Part 9 – Nuisance, Aggressive & Dangerous Dogs

Aggressive Dogs, Section 38

- Delete 38(2) in its entirety, 'keep the Aggressive Dog within a locked Enclosure incapable of being accessed by the public or children and in accordance with Schedule 'C'; and replace with

(2) keep the Aggressive Dog within a fenced yard in accordance with Schedule 'C'.

Dangerous Dogs, Section 41

- Add 'A microchip shall be implanted within 15 days of Declaration'.

5. Schedule 'B' – LICENSE FEES

- Delete (d) in its entirety, and replace with
'(d) For each lost dog tag, a replacement fee will be a charge of \$5.00'
- Add, the following license fee categories, and renumber all sections

	<u>Altered</u>	<u>Unaltered</u>
Nuisance Dog	\$ 40	\$ 80
Aggressive Dog	\$100	\$140
Dangerous Dog	\$500	\$500

6. Schedule 'C' – STANDARDS FOR ENCLOSURES, FENCES AND PENS

Add to #1. 'and constructed' to read:

1. Fences shall be of adequate height and constructed to contain the dog(s) and all gates shall be capable of being locked.

Add to # 4. 'Fence' to read:

4. Fences, pens, runs and enclosures are to be constructed in the rear yard of the property.

7. Schedule 'E' – IMPOUNDMENT FEES

Delete Section 1(e) in its entirety and replace with:

1(e) \$500 for each subsequent impoundment

Delete in its entirety:

'Should a dog subsequently be deemed Aggressive or Dangerous, the impoundment fees outlined in section 2 and 3 of this Schedule will be in addition to previous impoundment fees.'

Add to 5. Dangerous Dogs daily maintenance fee is \$40.00 for each overnight detention.

8. This bylaw may be cited for all purposes as the 'Regional District of Central Okanagan Responsible Dog Ownership Amendment Bylaw No. 13XX, 2016.

READ A FIRST TIME THIS	DAY OF	2016
READ A SECOND TIME THIS	DAY OF	2016
READ A THIRD TIME THIS	DAY OF	2016
ADOPTED THIS	DAY OF	2016

CHAIR

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 13XX cites as the "Regional District of Central Okanagan Responsible Dog Ownership Amendment Bylaw No. 13XX, as read a third time and adopted by the Regional Board on the ___ day of _____ 2016.

Dated at Kelowna, B.C.
this ___ day of 2016

DIRECTOR OF CORPORATE SERVICES

For Reference Only – Ticketing Information for

RDCO Ticket Utilization Bylaw No. 435 and RDCO Bylaw Notice Enforcement Bylaw No. 1326

Ticket Offences for Regional District of Central Okanagan Responsible Dog Ownership Bylaw No. 1343

	SECTION	FINE
Obstruct Animal Control Officer	7	\$ 150.00
No dog license	10 & 11	300.00
Dog without tag	12	100.00
Keep more than 3 dogs	14	100.00
Fail to keep dog in fence or pen	21	100.00
Fail to keep dog as required	21.1 & 21.2	100.00
Fail to fence/pen	22 & 62	100.00
Contravene tethering	23 & 24	200.00
Dog at large / Fail to Leash – 1 st offence	25	150.00
Dog at large / Fail to Leash – 2 nd offence	25	200.00
Dog at large / Fail to Leash – 3 rd & subsequent offences	25	300.00
Dog in prohibited area	26	100.00
Fail to leash, in park – 1 st offence	27	150.00
Fail to leash, in park – 2 nd offence	27	200.00
Fail to leash – in park 3 rd & subsequent offences	27	300.00
Contravene off Leash Requirement in Off-Leash Parks and Areas	28 a, b, d, e, f	100.00
Contravene off Leash Requirement in Off-Leash Parks and Areas	28 c	200.00
Noisy dog	29	100.00
Fail to remove dog feces	30 & 31	150.00
Fail to control - disease	32	100.00
Enclosed space or vehicle- ventilation	33	150.00
Nuisance (menacing) dog – charging or lunging at a fence	34	150.00
Aggressive Dog	35	300.00
Dangerous Dog	36	1,000.00
Dog in prohibited area, aggressive dog	37	200.00
Dog in prohibited area, dangerous dog	37	500.00
Fail to control/enclose aggressive dog	38, 38.1, 38.2	300.00
Fail to control/enclose dangerous dog	39, 39.1, 39.2	1,000.00
Fail to post signage, or microchip – dangerous dog	40 & 41	300.00
Contravene kennel requirements	42 a) b) c) 43 a) b) 44, 47	200.00
Unlawful release of a dog	66	500.00