

RESPONSIBLE DOG OWNERSHIP BYLAW

BYLAW 37-2017

Background

- Existing bylaw - last reviewed in 2006
- Review of other bylaws based on responsible dog ownership principles commenced (2016-2017)
- Public Engagement on responsible dog ownership (2016-2017)
- Public Engagement Report presented to Priorities Committee (May 2017)
- Preparation of initial draft bylaw for Council discussion (June 2017)
- Council meeting (July 4 2017)
- Revisions to draft bylaw (August 2017)

Council Motion – July 4, 2017

THAT draft Bylaw 37-2017 be referred back to Administration to address the following issues raised by Council, and to return to a later Council meeting:

- Irresponsible breeding or puppy mills;
- Reconsider the limit for rural properties;
- Reconsider whether tethering a dog in a public space should be permissible;
- Reconsider the provisions for tethering a dog to a bicycle;
- Consider exemptions for the lawful use of dogs in the offences section (part 4); and
- Clarify provisions with respect to dogs in vehicles.

Revised Bylaw 37-2017

Administration reviewed and revised the initial draft bylaw after consideration of:

- ❖ Council's discussion and Council's motion of July 4, 2017
- ❖ Matters raised by residents throughout the public engagement process and the public engagement report that was presented to Priorities Committee
- ❖ Necessary changes to the draft bylaw to make the requirements in the bylaw clear and easy to understand and legally enforceable

❖ **PUPPY MILL ISSUES - Changed**

- Puppies - removed provisions that treat puppies differently from dogs in terms of licensing and over-permit limits
- Progeny – or dogs born to a female dog already in the household – count toward the over-limit permit and must be licensed after three months of age, but are exempt from a licensing fee until they are older than 6 months
- Chief Commissioner has discretion to waive the over-limit permit fee
- Actual dog breeding facilities require a development permit under the Land Use Bylaw and are only permitted or discretionary uses in identified zones

❖ **RECONSIDER LIMITS FOR RURAL PROPERTIES – Not changed**

- The limits in the bylaw are the limits that were repeatedly proposed by residents during the public engagement
- Rural residents often have more dogs because they are needed to help with farm work
- Many rural residents spoke and indicated that they had five or six dogs at their property so this is a current reality that necessitates rural residents to obtain and pay for an over-limit permit which was perceived to be unfair – given the significant difference in the space and time available for the dogs in a rural setting

❖ **RECONSIDER TETHERING (Public Spaces and Bicycles)** **Changed**

- Removed these offences
- Added a single offence of leaving a dog unsupervised unless on owner's property or another private property with the consent of the private property owner

❖ **EXEMPTION FOR LAWFUL USE OF DOGS - Changed**

- Added definitions of patrol dog in addition to police dog and service dog
- Added an Application section that:
 - Exempts police dogs, patrol dogs and service dogs from licensing requirements
 - Exempts police dogs and patrol dogs from offences that are contrary to the function of those dogs (or exempt under their governing statutes)
 - Exempts lawfully permitted activities from the operation of the bylaw for activities that are reasonably contemplated within the scope of a permit (hunting for example)

❖ **CLARIFY DOGS IN VEHICLES SECTIONS – Changed**

- The wording relating to dogs in open compartments of vehicles are in use in Calgary and Victoria. Transporting offences shortened to be consistent with wording in use in Victoria and Calgary bylaws
- Consulted with enforcement on issues raised about partially opened windows that that would not meet the “open compartment” requirement for the offence

OTHER CHANGES TO DRAFT

For clearer more concise language and legal enforceability

- Cleaned up and streamlined language throughout the bylaw
- Simplified and reduced offence sections

❖ DEFINITIONS

- At large - Added exceptions to definition of “at large” to permit a dog to be off leash for dog shows and similar events, grooming, and at the off-leash park
- Restraining Device – Changed definition to leash, collar, harness concepts which are more easily understood
- Distress – incorporated definition of distress from Animal Protection Act to allow for a single offence where multiple offences were required previously
- Rescue Organizations – incorporated into definition of owner to create simpler offence provisions and specified that they must be recognized by the Chief Commissioner to fall within that definition (to ensure that only recognized rescues are included)
- Puppies – no longer required

❖ **APPLICATION – New Section**

- Added express exemptions from licensing for police dogs, patrol dogs, and service dogs governed by provincial legislation
- Confirmed that nothing in bylaw excludes the application of rules in other enactments or bylaws
- Confirmed that nothing in bylaw restricts anyone from engaging in lawful activities under another enactment, bylaw, permit, order or licence
- Confirmed that activities governed by another enactment or bylaw or a permit order or licence are not affected by this bylaw

❖ LICENSING

- Added requirement to provide dog's microchip, tattoo number or other identifying registrations at the time of licensing
- Onus – placed onus of proving the existence of a dog licence on the person alleging its existence
- Offences – consolidated offences into one section

❖ **OVER-LIMIT PERMITS**

- Consolidated offences into one section
- Clarified that the permit is for the number of dogs at a particular residence
- Streamlined examples of circumstances where may be issued

❖ OFFENCES

- Removed tethering and bicycle offences
- Removed care offences and replaced them with the “distress” offence (same as under the Animal Control Act)
- Removed off-leash parking lot offence – definition of at large includes a dog that is not on a leash when outside of the boundaries of the off-leash area
- Added quarantine bylaw offence – Public Health Act only addresses rabies
- Aggressive Conduct – added “without provocation” as is typical in most bylaws, but added a provision that places the onus on the person alleging provocation to prove it
- Owner’s Property – placed onus of proving that a dog was on the owner’s property on the owner alleging it. Currently the officer has to prove this

❖ **DANGEROUS DOG**

- Added conduct requirements such as keeping the dog on a regulation length leash (so as to be under the control of the person handling the dog)
- Added muzzle requirement when off owner's property
- Consolidated the offence provision into one section
- Added specific enforcement power provision

❖ ENFORCEMENT

- Changed enforcement provisions to correspond to new Provincial Offences and Procedures Act provisions that impact the issuance of violation tickets and available penalties
- Offences with a specified penalty of \$1,000 or less will ordinarily be prosecuted under Part 3 of the Act which no longer permits imprisonment
- Removed unnecessary provisions under this Part that are already in statutes or common law

❖ **IMPOUNDMENT**

- Identified impoundment charges (added a definition for this) and require an owner to pay those charges in addition to licensing and microchipping fees for dangerous dogs in order to reclaim a dog from impound
- Changed reclamation date to 10 days – that is the time frame permitted under the Animal Control Act

❖ **SPECIFIED PENALTIES**

- Updated schedule for new section numbers, to remove offences that were removed and to add offences that were added



Questions?