



**REPORT TO THE ELECTORAL AREA SERVICES COMMITTEE
MEETING OF WEDNESDAY, JUNE 19, 2013**

SUBJECT **PROPOSED AMENDMENTS TO BYLAW NO. 1465 “ANIMAL REGULATION AND IMPOUNDING BYLAW NO. 1, 1986” AND BYLAW NO. 1857 “CAPITAL REGIONAL DISTRICT TICKET INFORMATION AUTHORIZATION BYLAW, 1990.”**

BACKGROUND

The Capital Regional District Board Chair received a letter (Attachment 1) from the BC SPCA requesting consideration be given to amending our Animal Regulation and Impounding Bylaw by improving the sections dealing with animal care standards. The SPCA also provided a template for specific bylaw offences relating to the maltreatment of animals.

The amendment to Bylaw 1465 consists of deleting Section 27 and replacing it with more clearly defined requirements for the adequate care, shelter and confinement of animals. The corollary change to Bylaw 1857 replaces Schedule 9 which defines offences. The new schedule includes clearly worded offences relating to the new standards of care, shelter and confinement set-out in Bylaw 1465.

These amendments are an improvement over current bylaw provisions and will help ensure safe and healthy environments for domestic animals. The amendments will also give Animal Control officers an alternative to charging people under the *Offence Act* by issuing a Municipal Ticket Information for less serious animal cruelty offences.

ALTERNATIVES

- 1) That Bylaw No. 1465 “Animal Regulations and Impoundment Bylaw No. 1, 1986, Amendment Bylaw No. 10, 2013” and Bylaw No. 1857 “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 53, 2013”, be introduced and read for a first, second and third time.

2. Leave Bylaws 1465 and 1857 as they currently read.

FINANCIAL IMPLICATIONS

This change would be cost neutral.

SUMMARY

Staff recommends Alternative 1, to amend Bylaws 1465 (Attachment 2) and 1857 (Attachment 3) as presented.

RECOMMENDATIONS

That the Electoral Area Services Committee recommends to the Capital Regional District Board:

- 1) That Bylaw No. 1465 “Animal Regulations and Impoundment Bylaw No. 1, 1986, Amendment Bylaw No. 10, 2013”, be introduced and read for a first and second time;
- 2) That Bylaw No. 1465 “Animal Regulations and Impoundment Bylaw No. 1, 1986, Amendment Bylaw No. 10, 2013”, be read a third time;
- 3) That Bylaw No. 1465 “Animal Regulations and Impoundment Bylaw No. 1, 1986, Amendment Bylaw No. 10, 2013”, be adopted;
- 4) That Bylaw No. 1857 “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 53, 2013”, be introduced and read for a first and second time; and
- 5) That Bylaw No. 1857 “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 53, 2013”, be read a third time.
- 6) That Bylaw No. 1857 “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 53, 2013”, be adopted

****ORIGINAL SIGNED****

Don Brown
Chief Bylaw Officer

Marg Misek-Evans, MCIP, RPP
Acting General Manager
Planning and Protective Services
Concurrence

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

Attachments: 3

CRD EXECUTIVE OFFICE

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Charitable Registration # BN 11881 9036 RR0001

Received
APR 16 2013

April 5, 2013

Chair Bryson and Board of Directors
Capital Regional District
625 Fisgard Street
Victoria, British Columbia V8W 1R7

Chair
 CAO
 GM *PPS*
 For action / resp. by *PPS & D. Brown*
 Corresp. for Board / Committee meeting
 For Information Only
 Copies to *S. Sanderson*
D. Brown
possible report to committee ←

Dear Chair Bryson and Board of Directors:

I am writing to thank you for your interest in considering enhancements to your existing animal control bylaws to better address animal welfare and public safety in your community. The BC SPCA Model Bylaw booklet includes background information and sample bylaws that promote animal welfare. These model bylaws have been designed using evidence from other jurisdictions, and we are confident that they will contribute to improved public safety and animal welfare where they are introduced.

As you may be aware, animal care standards are an area of particular concern for the BC SPCA. We note that your current bylaw requests "the owner of an animal shall ensure that it is kept, housed and fed in a manner conducive to its good health and well being." Based on our experience in other B.C. communities, it has been effective for animal bylaw enforcement to have prescriptive guidelines for acceptable animal care standards. We recommend that you implement the following model for animal care standards, as contained within our model bylaw:

- 27 (1) An owner shall ensure his or her animal is provided with:
 - (a) clean potable drinking water and food of sufficient quantity and quality to allow for healthy growth and the maintenance of healthy body weight;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunities to be free of a confined area and exercised regularly under appropriate control; and
 - (d) necessary veterinary care when such animal exhibits signs of pain, injury, illness or suffering.
- 27 (2) An owner shall not keep an animal which normally resides outdoors, or which is kept outdoors for extended periods of time, unless such animal is provided with an outdoor shelter:
 - (a) which has a total area that is at least twice the length of the animal in all directions and that also allows the animal to turn around freely and adopt normal resting postures;
 - (b) which ensures protection from heat, cold and dampness that is appropriate to the weight and type of protective outer coat of such animal.
 - (c) which provides sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - (d) which is regularly cleaned and sanitized, and removed of excreta daily.
- 27 (3) No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.
- 27 (4) No person shall keep any animal hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.

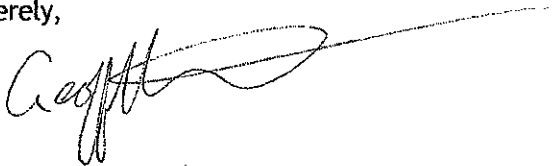
- 27 (5) No person may cause an animal to be confined in an enclosed space or vehicle, including a car, without adequate ventilation. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times.
- 27 (6) No person may transport an animal in a vehicle outside the passenger compartment or in an uncovered passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

We are particularly concerned about the welfare of dogs who spend their life tethered outside with no access to exercise or ability to socialize. The CVMA Code of Practice for Canadian Kennel Operations states that the “tethering of dogs (i.e., chains or ropes used to tie the animal to an immovable object such as a stake or building) as a primary method of confinement is not acceptable” (CVMA, 2007). The Association of Shelter Veterinarians’ Guidelines for Standards of Care in Animal Shelters states, “tethering is an unacceptable method of confinement for any animal” (Association of Shelter Veterinarians, 2010).

A number of B.C. municipalities, including Port Hardy, Pemberton, Valemont, Sechelt, Oliver, Delta, Lions Bay, New Westminster, Burnaby, Sooke, Qualicum Beach, Chilliwack and Dawson Creek, have all taken steps to ensure that dogs in their communities do not suffer physically and psychologically from permanent tethering. We ask that you please consider implementing the above animal care standards to provide protection for the welfare of animals in your community.

We have already corresponded with Don Brown, Chief Bylaw Enforcement Officer of the CRD and Erika Paul, BC SPCA Animal Protection Officer in the CRD and both have expressed their support for this proposal. Thank you for taking the time to review our recommendations; we look forward to working with the Capital Regional District on bylaw revisions that will address the community’s needs. Please don’t hesitate to contact Amy Morris, Policy and Outreach Officer, our lead staff on animal control bylaw matters directly to discuss this matter further: amorris@spca.bc.ca; 1-800-665-1868.

Sincerely,



Geoff Urton
Manager, Stakeholder Relations

Cc: District of Central Saanich, City of Colwood, District of Highlands, City of Langford, District of Metchosin, District of Sooke, & Town of View Royal

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3908

**A BYLAW TO AMEND BYLAW NO. 1465, BEING "ANIMAL REGULATION AND
IMPOUNDING BYLAW NO. 1, 1986"**

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 1465, "Animal Regulation and Impounding Bylaw No. 1, 1986" is amended as follows:
 - (1) Delete Section "27" in its entirety and replace with the following:
 - 27 (1) An owner shall ensure his or her animal is provided with:
 - (a) clean potable drinking water and food of sufficient quantity and quality to allow for healthy growth and the maintenance of healthy body weight;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunities to be free of a confined area and exercised regularly under appropriate control; and
 - (d) necessary veterinary care when such animal exhibits signs of pain, injury, illness or suffering.
 - 27 (2) An owner shall not keep an animal which normally resides outdoors, or which is kept outdoors for extended periods of time, unless such animal is provided with an outdoor shelter:
 - (a) which has a total area that is at least twice the length of the animal in all directions and that also allows the animal to turn around freely and adopt normal resting postures;
 - (b) which ensures protection from heat, cold and dampness that is appropriate to the weight and type of protective outer coat of such animal;
 - (c) which provides sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - (d) which is regularly cleaned and sanitized, and removed of excreta daily.
 - 27 (3) No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.
 - 27 (4) No person shall keep any animal hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.
 - 27 (5) No person may cause an animal to be confined in an enclosed space or vehicle, including a car, without adequate ventilation. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the animal from the direct rays of sun at all times.

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3909**

**A BYLAW TO AMEND BYLAW NO. 1857, BEING "CAPITAL REGIONAL DISTRICT TICKET
INFORMATION AUTHORIZATION BYLAW 1990"**

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 1857, "Capital Regional District Ticket Information Authorization Bylaw, 1990 is amended as follows:

 (1) by deleting Schedule "9" in its entirety and replacing it with a new Schedule "9" as attached.

2. This Bylaw may be cited as "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 53, 2013".

READ A FIRST TIME THIS	day of	, 2013.
READ A SECOND TIME THIS	day of	, 2013.
READ A THIRD TIME THIS	day of	, 2013.
FINES APPROVED BY THE CHIEF JUDGE OF THE PROVINCIAL COURT THIS	day of	, 2013.
ADOPTED THIS	day of	, 2013.

CHAIR

SECRETARY

SCHEDULE 9 TO BYLAW NO. 1857

ANIMAL REGULATION AND IMPOUNDING BYLAW NO. 1, 1986

(BI 3111, 3195, 3909)

WORDS OR EXPRESSIONS DESIGNATING OFFENCE	SECTION	FINE
1. No kennel license	2 (1) (a)	\$75.00
2. Harbours dogs in excess of kennel license	2 (1) (b)	\$50.00
3. Operating kennel contrary to zoning	2 (2) (a)	\$50.00
4. Failure of kennel to provide adequate fencing	2 (2) (c)	\$75.00
5. No license	3	\$100.00
6. No license on dog	7	\$50.00
7. Unauthorized removal of license tag	10	\$75.00
8. Failure to display "dangerous dog" sign	14 (c)	\$50.00
9. Animal at large	24 (1)	\$100.00
10. Uncontrolled Dangerous Dog	24 (2)	\$150.00
11. Obstructing Animal Control Officer	24 (3)	\$150.00
12. Bitch in heat unenclosed	25	\$75.00
13. Noisy Dog	26 (1)	\$100.00
14. Noisy Animal	26 (2)	\$100.00
15. Animal on beach	29	\$50.00
16. Fail to provide water or food	27 (1) (a)	\$100.00
17. Fail to provide sanitary receptacle	27 (1) (b)	\$100.00
18. Fail to provide sufficient exercise	27 (1) (c)	\$100.00
19. Fail to provide veterinarian care	27 (1) (d)	\$100.00
20. Fail to provide adequate shelter	27 (2)	\$100.00
21. Animal tied to fixed object by neck	27 (3)	\$100.00
22. Animal tied to fixed object for extended period	27 (4)	\$100.00
23. Animal kept in confined space without ventilation	27 (5)	\$100.00
24. Fail to adequately confine animal in vehicle	27 (6)	\$100.00