Corporate NO: R2097

Report COUNCIL DATE: November 29, 1999

REGULAR

TO: Mayor & Council DATE: November 25, 1999

FROM: City Solicitor FILE: 0023-13880

SUBJECT: Proposed New Dog Responsibility By-law

RECOMMENDATIONS

1. Approve the proposed new Surrey Dog Responsibility By-law, 1999, No. 13880 attached as Appendix "A" to this report (the "Proposed By-law");

2. Approve the development of a Surrey Dog Awareness Program to educate the public in dog safety and responsible pet ownership; and

3. Instruct the City Clerk to introduce the Proposed By-law.

BACKGROUND

The City Solicitor presented on February 5, 1999 improvements to Surrey Dog Licensing and Control By-law, 1979, No. 6037 (the "Current By-law"), concerning the licensing and keeping of dogs and the enforcement of the by-law against the owners of vicious dogs.

After hearing a delegation, from the "Responsible Pet Owners" Council struck a Committee to review the vicious dog issues raised by the delegation. A Vicious Dog Committee was established and comprised of a representation of dog owners, Surrey SPCA, a Veterinarian and citizens concerned with the well-being and safety of the community.

On November 2, 1999, the Public Safety Committee considered a report and draft by-law by the City Manager which reflected the recommendations of the Vicious Dog Committee. The draft by-law has been amended to reflect the comments of the Public Safety Committee to form the Proposed By-law.

DISCUSSION
The Current By-law was originally written and passed in 1979. With all the changes recommended, a new Proposed By-law has been drafted based on a consensus reached by the Committee.

In the area of definitions and terms, a number of changes have been made as they relate to "Potentially Dangerous Dogs" and "Dangerous Dogs". Amendments have also been proposed to "Run at Large" in dealing with those "off leash" areas designated within the City of Surrey.

Potentially Dangerous Dog

The "Potentially Dangerous" dog category has been proposed to include any dog not under direct control of a competent adult. The seriously injured party is not concerned with the dog's "intent". The purpose of this category is to ensure that all dogs displaying potentially dangerous behaviour be restrained from causing bodily harm to the general public. The impoundment fees would be on an escalating schedule depending upon the number of times the dog has been reported to be at large, and impounded within a 24 month period. For any dog that has been found not to re-offend within a 24 month period, the impound fee and the license fee will be reset to the lesser and original fee.

Dangerous Dog

"Vicious Dog" has been proposed to be replaced with "Dangerous Dog" having a more complete definition. The Committee felt that "Dangerous" dog is a broader term than "vicious" dog. "Vicious" implies only that harm is done by biting, and implies malicious intent. Dangerous, on the other hand, recognizes the fact that a dog can cause serious bodily harm without malicious intent, and by means other than biting. For example: (1) A very large, friendly dog can run loose at full speed to greet a very frail, elderly person. The dog's wild, friendly jump up in greeting could knock them down, causing fractured bones, or other serious harm, and yet there was no viciousness intended. (2) The same situation could apply to a smaller dog that ran loose and wildly greeted a small toddler, causing the toddler to fall over, hitting its head on the concrete, and suffering a concussion. (3) Another dog, large or small, friendly or not, may be running loose and chasing after vehicles. A startled motorist could swerve to avoid hitting the dog, have an accident, and suffer serious injuries. Or the same dog could be chasing bicyclists, or joggers, causing falls and injuries. In all of the above examples, serious bodily harm (or fatalities) could have occurred due to the dog's assaults, and yet there was no "vicious" intent.

In the area of breed-specified legislation, after many hours of discussion and debate, the Committee agreed that with the strengthening of the Proposed By-law and with the inclusion of "Dangerous Dog", breed-specific legislation would no longer be required. Many by-laws were reviewed from various cities throughout North America and there is no legislation other than a ban on all dogs that will totally prevent bites.

License Fees

In the area of license fees, two additional categories have been recommended in dealing with potentially dangerous dog and dangerous dogs.

The fee change in dealing with the authorization and disposal of dogs has been properly increased (minimal) to reflect the current costs associated with these responsibilities.

Impound Fees
The impound fees for Potentially Dangerous Dogs (Running at Large) have been proposed to be increased to $150.00 unless the owner wishes to have the dog microchipped/tattooed and the fee is then reduced to $50.00 plus cost of microchip. In the case of a licensed dog, then the fee for impounding is $100.00 or $25.00, plus microchip. The second impounding is increased to $75.00, third $200.00 and fourth and each subsequent time $500.00.

The schedule for Dangerous dogs will be $1,000.00 for the first impounding and $5,000.00 for each subsequent. Any dog causing injury to a person or animal, the impound fees are $5,000.00 for the first impounding of the dog.

These fees reflect the increased enforcement and administration costs associated with dogs whose owners frequently offend the Proposed By-law provisions.

Liability

The Committee has also recommended for inclusion in the Proposed By-law, the liability responsibility of dog owners. Any costs incurred by the City of Surrey with respect to the impoundment of any dog shall be the responsibility of the dog owner, irrespective of that dog being claimed, and any owner of a dog classified as "Dangerous Dog" under the By-law will be required to produce proof of valid liability insurance prior to any issuance of current year license or the dog being reclaimed.

Education

The educational component is one of the key recommendations. This goal will be achieved outside of the By-law. The intent of the Committee will be to continue as a subgroup in developing a Surrey Dog Awareness Program. It will be the mandate of this Committee to develop a program that will not only deal with the primary schools, but the education of all dog owners and the proper handling of their pets. The Committee will involve the schools throughout Surrey utilizing their facilities in speaking to children of all ages, together with the local media (newspaper and cable TV). A City brochure will be developed in identifying not only the regulations of the By-law, but also the proper dog care, ownership, and how to prevent dog bites. The City website will include assistance to all pet owners on teaching children safe and proper behaviour around dogs. The involvement of local veterinarians and pet store owners will provide a complete community involvement in this program. The entire program will be comprised of volunteers enabling the costs to be kept minimal with any pamphlet printing costs being offset through sponsorship from a pet food supplier.

Research Material

The Committee has spent many hours, both meeting as a group and additional research time reviewing by-laws, legislation, and any literature assisting in the development of these amendments/recommendations. The Committee is confident that the Proposed By-law is aimed to ensure public safety, responsible pet ownership, and the onus being solely placed on those pet owners.

Some of the Committee members felt the research material should be made available to the Public Safety Committee, and Council. Should the Mayor and Councillors wish to review them personally, Appendix "B" lists those references.

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c.c.  SPCA

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