

**Bylaw No. 8176 The Dangerous Animals Bylaw, 2003
Proposed Amendments**

Administration is proposing the following amendment to the *Dangerous Animals Bylaw*:

1. Broaden requirements around information sharing regarding dangerous dogs. The Bylaw currently states that “where the animal is moved to a different city or municipality, the owner shall notify the clerk of that city or municipality”. Following a dangerous animal charge, when an owner moves within the city, notification is not required. The proposed amendment to the Bylaw would require that when the animal is moved to a different address in the City, the owner must notify the City Clerk.

City Solicitor is proposing the following amendments to the *Dangerous Animals Bylaw*:

2. Expand the definition of “owner”. The Bylaw’s current definition of owner needs expansion to include groups or individuals who were in possession of the animal up to 30 days prior to the day of the incident. Through the request of Solicitors, Saskatoon SPCA and Saskatoon Animal Control Agency, this proposed amendment would help support the current challenges faced in the judicial system whereby rescue groups have brought in animals that have a known propensity for dangerous behavior. At times, rescue groups are adopting out these animals without disclosing the past history of the animal and the new adopting owner is then becoming unknowingly responsible for an animal that is prone to dangerous behavior. An amendment is proposed to reduce the tendency for rescue groups to bring in animals with a questionable history. This amendment would also assist Solicitors in holding rescue groups accountable for the animals they rescue for a set time period, following the adoption.
3. Provide for interim orders for public safety support. Currently, the Bylaw does not have any provision allowing the Justice of the Peace to place an “interim” order. Such a provision is necessary for public safety reasons when an animal is not impounded, following the incident and up until the point of the final court decision. The “interim” order is necessary to be issued when a severe attack occurs involving another animal, any attack on a human being, or when there are concerns about the owner’s ability to take responsibility. An interim order is required to help prevent further attacks and to disallow the owner from taking the animal to an off-leash area. By amending the Bylaw to incorporate the ability for an interim order, Solicitors hopes to regularize the process for a Justice of the Peace to issue interim orders.

4. Add a provision to address similar looking animals. At its October 23, 2017 Regular Business Meeting, City Council approved an amendment to the *Dangerous Animals Bylaw, 2003*, to provide for a charge of failing to identify an animal. This amendment was sought in order to address those situations where someone owns one or more similar looking animals and one of those animals is dangerous. In such cases, dangerous animal proceedings may be impeded by the inability to identify exactly which among the similar looking animals carried out an attack, notwithstanding there is clear proof an attack took place and who the owner of the dangerous animal is. While the Solicitor's Office had initially sought to implement a new charge of failing to identify an animal, this subject was subsequently extensively reviewed in light of a number of potential enforcement problems that could arise. For example, there may be cases where the owner does not know which of their animals attacked (the owner may not have been present at the time), or may continue to refuse to identify the animal notwithstanding being charged with failing to identify, or may misidentify one of the animals in order to avoid further charges. It is therefore now proposed that, rather than implementing a fail-to-identify charge, the amendment provide all similar looking animals owned by the same owner are deemed dangerous in cases where one of those similar looking animals has been found to be dangerous
5. Broaden the order around disclosing dangerous animal charges. When animals are charged as dangerous, disclosure to all those handling the dog is important in promoting public safety. An amendment is proposed that states an order to all (registered) owners of the animal should be made, indicating the owner needs to ensure that anyone who is caring for the animal must be advised that the animal is dangerous and they must be instructed to follow the terms of an order.
6. Remove insurance terms causing discretionary challenges. When an animal is deemed dangerous, very few owners are able to obtain the insurance as set out in Section 8(5)(b). An amendment is proposed to remove the provision of a Justice of the Peace ordering an owner shall obtain and keep liability insurance in the amount of \$300,000. This provision is almost never used and has faced scrutiny on the rare occasion it is used.
7. Clarify discretionary measures to support mandatory public safety measures. When an animal is deemed dangerous there are mandatory conditions automatically imposed as part of a dangerous animal order and there are discretionary conditions that the Court may choose to impose in its discretion. These discretionary conditions are sometimes causing contradictions with mandatory conditions. An amendment is proposed to clarify that the discretionary conditions of an order cannot contradict or limit the effect of the mandatory conditions.

8. Add the requirement to pay the cost of care and sustenance fees:
 - a) The Bylaw states “Regardless of the outcome of the appeal, the owner shall be responsible for the payment of the costs of impoundment of the animal pending the hearing.” It is being proposed that a provision be added to the Bylaw to note the cost of the care and sustenance fee is also required. Owners are sometimes unaware of the accumulating costs due to the sustenance fees while the animal is kept at the pound.
 - b) Where the judge, on appeal, overturns the order for destruction of the animal, the animal is to be released to the owner after they pay the related costs. An amendment is proposed to add to the Bylaw stating that “the animal shall be released to the owner after the owner has paid the costs of the care and sustenance and impoundment fee of the animal pending the hearing.” Care and sustenance fees are set to support the cost of maintaining the well-being of the animal and are due upon release of animals being kept at the pound.
9. Provide an example of the pound fee and care and sustenance fee. The Bylaw references payment of pound fees and an amendment is proposed to reference care and sustenance fees. Currently, it is not possible to see the amount of pound fees or care and sustenance fees within this Bylaw. Similar to Schedule No. 4 of the *Animal Control Bylaw*, it is proposed that an amendment be made as appears in Attachment 1 to add Appendix C, displaying the impoundment fees for cats and dogs; pound fee and the care and sustenance fee. The Saskatoon SPCA has noted challenges around awareness of these fees and by displaying them in the Bylaw we would be supporting public awareness.

Appendix “C”

Impoundment Fees for Cats and Dogs

Pound fee	\$50
Care and sustenance fee	\$15 (plus Goods and Services Tax) per day or a portion thereof commencing at 12:00 a.m. on the day immediately following the day of impoundment