
Proposed Amendments to Bylaw No. 7860, The Animal Control Bylaw, 1999 and Bylaw No. 8176, The Dangerous Animal Bylaw, 2003

Recommendation

That the Standing Policy Committee on Planning, Development and Community Services recommend to City Council that:

1. The proposed amendments to Bylaw No. 7860, *The Animal Control Bylaw, 1999* and Bylaw No. 8176, *The Dangerous Animal Bylaw, 2003* as outlined in this report be approved; and
2. That the City Solicitor be requested to make the necessary amendments to Bylaw No. 7860, *The Animal Control Bylaw, 1999*, and Bylaw No. 8176, *The Dangerous Animal Bylaw, 2003*.

Topic and Purpose

The purpose of this report is to request approval from City Council to amend Bylaw No. 7860, *The Animal Control Bylaw, 1999* (the “*Animal Control Bylaw*”) to:

- (a) clarify the boundaries of off-leash recreation areas;
- (b) reduce the SPCA holding period from 96 hours to 72 hours; and
- (c) increase the sustenance fee for animals held at the SPCA.

Further, approval is requested to amend Bylaw No. 8176, *The Dangerous Animal Bylaw, 2003* (the “*Dangerous Animal Bylaw*”) to:

- (a) clarify where animals, which have been declared dangerous, may be housed;
- (b) broaden how ownership of an animal is defined;
- (c) add a charge of failing to identify an animal; and
- (d) allow for issuance of a Notice of Violation for non-compliance of a Dangerous Animal Order.

Strategic Goals

The recommendations in this report promote the City’s goal of continuous improvement and making Saskatoon the best-managed city in Canada by providing high-quality services to meet the dynamic needs and high expectations of our citizens.

Report

One of the mandates of the Advisory Committee on Animal Control (“ACAC”) is to provide advice to City Council regarding proposed amendments to *The Animal Control Bylaw* and *The Dangerous Animal Bylaw*.

After a review of both *The Animal Control Bylaw* and *The Dangerous Animal Bylaw*, ACAC is recommending to City Council that a number of amendments be made to these Bylaws to improve upon enforcement mechanisms and to clarify and update certain aspects of these Bylaws for the general public where there may be ambiguity.

These amendments include the following:

1. The Animal Control Bylaw

- Clarify the boundaries of off-leash recreation areas:
 - At times, animal owners take the position that parking lots located adjacent to off-leash recreation areas (“OLRA”) are included as part of the OLRA. While the maps of the OLRA contained in the Bylaw clearly show that parking lots are not considered OLRA, adding that specific statement in the Bylaw will provide language that can be directly referred to by the Saskatoon Animal Control Agency (“SACA”) when educating animal owners.
- Reduce the SPCA holding period from 96 hours to 72 hours:
 - When animals are brought into the SPCA by SACA, the Bylaw currently requires that these animals be held for a period of 96 hours before they can be adopted out. The SPCA publicizes these animals in hopes that an owner comes forward, but it is rare that this occurs after a 72 hour period passes. The current holding period exposes animals to the general stress of the shelter and to potential diseases. An amendment is proposed to reduce the holding period from 96 hours to 72 hours to allow for these animals to be adopted out to a family sooner and lessen the strain on the limited resources of the SPCA.
- Sustenance fee for animals being held at the SPCA:
 - The sustenance fee is the amount charged back to animal owners when the animal is in the care of the SPCA. The sustenance fee is intended to cover the cost of the care and food for these animals. The fee has not been increased from \$10.00 per day since it was first implemented in 1999, while the costs of care and food for animals has increased. An increase of \$5.00 per day to the sustenance fee is proposed.

2. The Dangerous Animals Bylaw

- Clarify where animals which have been declared dangerous may be housed:
 - Animals which have been declared dangerous are required to be in an enclosure when outside, which must be built in accordance with the provisions of the Bylaw. In addition, owners are permitted to keep an animal which has been declared dangerous in their own residence. This allowance

is not contained in the Bylaw but is something that the court recognizes. An amendment is proposed that would allow for dangerous animals to be either in an enclosure when outside or inside the residence of the owner.

- Further, the Bylaw requires that an enclosure include “adequate light and ventilation”, however, it is being proposed that this provision be amended to consider the well-being of the animal by requiring that *natural* light is a component of constructing an enclosure.

The City Solicitor’s Office has also identified amendments to further improve upon enforcement and provide greater clarity for the court. These amendments include the following:

1. *The Dangerous Animals Bylaw*

- Broaden how ownership of an animal is defined:
 - The Bylaw currently contains a singular definition of owner. In some cases, there is more than one owner of an animal or there are circumstances in which the actual “owner”, as defined by the Bylaw, is incapacitated or has moved away. It is proposed that the definition of owner be broadened so that more than one person may be charged in the case of a dangerous animal or that a person who has been entrusted with an animal may also be charged, as the case may be. This will ensure that the provisions of a Dangerous Animal Order are met and that enforcement of the Order is not at issue, since the provisions of the Order are the responsibility of the animal owner.
- Add a charge of failing to identify animal:
 - There are cases in which an animal owner will own two very similar or identical looking animals. When proceeding with a dangerous animal charge, it is imperative that the offending animal be identified. Those who know both animals are best equipped to satisfy this requirement. In some instances, to avoid a charge, an owner will refuse to identify the offending animal in cases where there is no question that one of the animals was involved in an incident. Adding an offence of “failing to identify” would put the onus on the owner of the animal rather than the person who was attacked and may not have been in a state of mind to take note of identifying features of an animal.
- Notice of Violation for non-compliance:
 - Where a dangerous animal declaration is in place, SACA attends to the residence of the owner for an annual follow-up to ensure compliance with the Order that has been issued. If an owner is not complying with the Order, an Information is prepared and the owner must attend court to answer to the charge. In some cases, owners admit to guilt and want to simply pay the fine without attending court. It is proposed that a provision be added to the Bylaw to provide the option for issuance of a Notice of Violation to pay the fine rather than attend court, in cases where appropriate.

These amendments would clarify matters for animal owners and the general public as well as improve upon existing enforcement mechanisms.

Due Date for Follow-up and/or Project Completion

The City Solicitor's Office would attend to any approved amendments to the Bylaws.

Public Notice

Public Notice pursuant to section 3 of Policy No. C01-021, Public Notice Policy, is not required.

Report Approval

Written by: Jodi Manastyrski, Solicitor

Approved by: Patricia Warwick, City Solicitor

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