

Town of Riverview

COUNCIL REPORT FORM



Presented to: Mayor & Council

Department: Corporate Services

Date: October 16, 2018

Subject: Amendment to Proposed Animal Control By-law

BACKGROUND

Introduced at Committee of the Whole Meeting – October 22, 2018

The updated Animal Control By-law has been through its first reading and will come before Council for second and third reading at the Regular Council Meeting of November 13th. The by-law was reviewed by our solicitors and the following additions are recommended by them in order to provide better definitions, enhanced authority for the seizure of non-compliance, and greater protection of our citizens from animals of an aggressive nature.

Addition – Definitions

“Excessive Noises” means barking for a single continuous time for a time period of more than 20 minutes.

Addition – Section 3-Seizing and Impounding

The Animal Controller can determine what constitutes an aggressive dog based on the definition included in the by-law. Regarding the animal controller’s authority, our solicitor believes authority should be awarded in respect of seizing dogs that are alleged to have bitten. He has made reference to Moncton’s By-Law # H-202 which provides that authority to the individual’s responsible for enforcing it and also believes the Towns proposed By-Law should provide that same authority to its Animal Controller. His recommended additions are:

8) Where the animal controller has reasonable and probable grounds to believe that a dog has bitten, injured or killed a person or another domestic animal, or where the owner of a dog that is suspected to be an aggressive dog, is not complying with the provision of Section 4 herein, the Animal Controller may seize and impound such dog.

9) The provisions of subsections 2), 3), 4), 5), 6) and 7) herein apply to a dog that has been impounded pursuant to subsection 8), except that the dog shall not be released, sold or destroyed until a determination has been made by a Judge of the Provincial Court under section 5 or until such time as the owner can satisfy the Animal Controller that he or she will comply with the provisions of Section 4.

Addition – Section 4-Aggressive Dogs

Regarding the obligations imposed on an owner of an aggressive dog, the solicitor feels it would be prudent to include a requirement concerning an enclosure for the dog when it is not securely confined indoors. The following wording is based on Moncton's by-law and would provide an additional layer of safety when dealing with a potentially dangerous dog.

(4) When such dog is on the property of the owner and unattended, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two metres by four metres and must have secure sides, the sides must be embedded into the ground no less than thirty centimetres deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one metre of the property line or within three metres of a neighboring dwelling unit.

CONSIDERATIONS

Legal:

Consultation with legal counsel regarding the dog bites and this amendment have occurred.

Financial:

None applicable.

Policy:

None applicable.

Stakeholders:

Citizens, animal owners and the Animal Controller.

Strategic Plan:

Promote opportunities to maintain community safety.

Interdepartmental Consultation:

Communication between senior staff, By-Law Enforcement, and Animal Control has been ongoing.

Communication Plan:

All communication outlets will be utilized to inform the public.

OPTIONS

After reviewing this report, Council could decide to:

- 1) Adopt the changes recommended by our legal counsel before proceeding with second and third reading of the by-law.
- 2) Continue with second and third reading of the by-law without the amendments.

RECOMMENDATION FROM STAFF

It is the recommendation of staff that Council adopt the amendments to By-Law 600-05-04 and proceed with the second and third readings at the Regular Council Meeting of November 13, 2018.

Prepared by: Brian Bell, By-Law Enforcement Officer