

Animal Control Bylaw Amendment, Bylaw Notice Enforcement and Ticket Information Utilization Bylaw Amendments - First Three Readings and Adoption

RECOMMENDATION:

That Council give Animal Control Amendment Bylaw No. 4168, Bylaw Notice Enforcement Amendment Bylaw No. 4170 and Ticket Information Utilization Amendment Bylaw No. 4171 first three readings and adoption.

PREVIOUS COUNCIL / COMMITTEE ACTION

At the March 24, 2020, Committee of Council meeting, Committee recommended:


That Council:

1. *Adopt Bylaw No. 4168 to allow for the provision of emotional support animals; and*
2. *Adopt amendments to Bylaw Notice Enforcement Bylaw No. 3814 and Ticket Information Bylaw No. 2743 to add ticketing provisions for:*
 - *S 10 (12) Aggressive Dog no muzzle - \$500.00*
 - *S 11(9) Dangerous Dog no muzzle - \$500.00.*

And that Committee of Council:

- *Direct staff to provide a report on criteria to be considered for an emotional support animal application.*

OPTIONS (✓ = Staff Recommendation)

	#	Description
	1	Give first three readings and adoption to the bylaws.
	2	Delay first three readings and request staff to provide additional information.
	3	Deny first three readings of the bylaw.

Animal Control Bylaw Amendment – Emotional Support Animals (Additional Information)

PREVIOUS COMMITTEE ACTION

At the March 24, 2020 Committee of Council meeting, Committee requested further information pertaining to a checklist for the application process, when it recommended that Council consider a bylaw to add Emotional Support Animals to its Animal Control Bylaw.

DISCUSSION

The attached checklist will be used as part of the application process for person(s) applying for the keeping of an emotional support animal. It includes personal information, certification by a medical practitioner verifying the need for an emotional support animal, an assessment of the health of the animal, particulars regarding breed, size and conditions that the animal will be kept in. Additionally, it includes a home inspection which will take into account an assessment of possible impacts to neighbourhood, as well as a check with SPCA surrounding the welfare of the animal.

ATTACHMENTS

Att#1: Checklist

Lead author(s): Paula Jones

Requester Details:

Name

Address

If rental property please provide written consent from owner

Medical note

Animal:

Name

Type

Breed

Weight (include full size weight potential)

Age

Vet information:

Name

Phone number

Regular check ups

Vaccinations if applicable

Habitat/Environment:

Where animal resides

Inside (please specify)

Outside (please specify)

Shelter/structure

SPCA check

Home Inspection completed (includes assessment of possible impacts to neighbourhood)

CITY OF PORT COQUITLAM
ANIMAL CONTROL AMENDMENT BYLAW, 2020
Bylaw No. 4168

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw may be cited as "Animal Control Bylaw, 2017, No. 3990, Amendment Bylaw, 2020, No.4168".

2. AMENDMENTS

Animal Control Bylaw, 2017, No. 3990 is amended as follows:

- 2.1 By adding the following definition to section 2 [Definitions] in the appropriate alphabetical order:

Emotional Support Animal means an animal that is designated as an emotional support animal by the Bylaw Services Manager;

- 2.2 By adding the words "an Emotional Support Animal," after the words "and includes" in the definition of **Domestic Animal** in Section 2. Definitions;
- 2.3 By adding the words "or Emotional Support Animals" after the word "bees" in the definition of **Farm Animal** in Section 2. Definitions;
- 2.4 By adding the following as subsections 4) to 8) to section 16 [Other Domestic Animals]:
- 4) a person may apply to the Bylaw Services Manager to have a Farm Animal designated as an Emotional Support Animal by:
 - a) completing and submitting a form of application acceptable to the Bylaw Services Manager;
 - b) specifying on the form the residential address at which the animal will be kept; and
 - c) providing a letter from a qualified physician or psychiatrist evidencing that the animal is used for a disability-related need.
 - 5) upon receiving a completed application under section 16(4) the Bylaw Services Manager may, at the Bylaw Services Manager's discretion:
 - a) designate the animal an Emotional Support Animal;
 - b) designate the animal an Emotional Support Animal with such designation being subject to the owner fulfilling conditions that the Bylaw Services Manager deems necessary to mitigate the risk of disturbing noise, odour and other nuisances that arise from the keeping of the animal; or
 - c) reject the application.

- 6) It is a condition of every designation of an Emotional Support Animal that:
- (a) the owner will only keep the Emotional Support Animal at the residential address stated on the application; and
 - (b) the designation cannot be transferred to another animal upon the death of the Emotional Support Animal or otherwise.
- 7) The Bylaw Services Manager may cancel the designation of an Emotional Support Animal if the owner fails to uphold a condition of the designation or otherwise contravenes this Bylaw.
- 8) a person may request:
- (a) a change to the residential address at which an Emotional Support Animal will be kept; or
 - (b) to transfer the designation to a new animal; by making a new application under this Bylaw.

READ A FIRST TIME this	day of	, 2020
READ A SECOND TIME this	day of	, 2020
READ A THIRD TIME this	day of	, 2020

Mayor

Corporate Officer

BYLAW NOTICE ENFORCEMENT AMENDMENT BYLAW, 2020

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

This Bylaw is cited as “Bylaw Notice Enforcement Bylaw, 2013, No. 3814, Amendment Bylaw, 2020, No. 4170”.

That the "Bylaw Notice Enforcement Bylaw, 2013, No. 3814", be amended by replacing the existing Schedule "A" for "Animal Control Bylaw No. 3990", with Schedule "A" for "Animal Control Bylaw No. 3990", attached hereto and forming part of this Bylaw.

Mayor

Corporate Officer

SCHEDULE "A"

Designated Bylaw Contraventions and Penalties

Animal Control Bylaw No. 3990

Column 1	Column 2	Column 3	Column 4	Column 5
DESCRIPTION	SECTION NO. IN BYLAW	DISCOUNTED PENALTY IN \$ (within 14 days)	FULL PENALTY IN \$ (after 14 days)	COMPLIANCE AGREEMENT DISCOUNT ⁽¹⁾
Dog At Large	8.1	100.00	150.00	n/a
Failure to Remove Excrement	8.3	100.00	150.00	n/a
Unconfined Dog in Heat	8.4	100.00	150.00	n/a
Confined Animal/ Inadequate Ventilation	8.5	100.00	150.00	n/a
More Than Three Dogs in Off Leash Area	9.3	100.00	150.00	n/a
Fail to Secure Dog in Off Leash Area	9.7	100.00	150.00	n/a
Fail to Provide Identification of Aggressive Dog	10.3	200.00	300.00	50%
Aggressive Dog Not Secured	10.4	N/A	500.00	n/a
Aggressive Dog At Large	10.5	N/A	500.00	n/a
Aggressive Dog in Off Leash Area	10.6	N/A	500.00	n/a
Fail to Report Aggressive Dog At Large	10.8	N/A	500.00	n/a
Fail to Report Transfer of Aggressive Dog	10.9	N/A	500.00	n/a
Aggressive Dog No Muzzle	10.12	N/A	500.00	n/a
Fail to Post/Maintain Dangerous Dog Sign	11.3	N/A	500.00	n/a
Fail to Report Transfer of Dangerous Dog	11.6	N/A	500.00	n/a
Fail to Mark Dangerous Dog With Identification	11.7	N/A	500.00	n/a
Dangerous Dog Not Secured	11.8	N/A	500.00	n/a
Dangerous Dog No Muzzle	11.9	N/A	500.00	n/a
Dangerous Dog At Large	11.10	N/A	500.00	n/a
Dangerous Dog With Minor	11.14	N/A	500.00	n/a
Fail to Report Dangerous Dog At Large	11.15	N/A	500.00	n/a
Dangerous Dog in Off Leash Area	11.16	N/A	500.00	n/a
Unlicensed Dog	12.1	100.00	150.00	50%

Column 1	Column 2	Column 3	Column 4	Column 5
DESCRIPTION	SECTION NO. IN BYLAW	DISCOUNTED PENALTY IN \$ (within 14 days)	FULL PENALTY IN \$ (after 14 days)	COMPLIANCE AGREEMENT DISCOUNT ⁽¹⁾
No Licence Tag	12.3	50.00	75.00	50%
More Than Three Dogs	13.2	100.00	150.00	50%
Unpermitted Kennel	13.3	100.00	150.00	n/a
Farm Animal in a Residential Zone	15.1	100.00	150.00	50%
Farm Animal At Large	15.2	100.00	150.00	n/a
Keep Venomous Snake	16.1 (a)	200.00	300.00	n/a
Keep More Than Four Snakes	16.1 (b)	100.00	150.00	50%
Keep More Than Four Rodents	16.1 (c)	100.00	150.00	50%
Prohibited use in cannabis establishment	II 6(d)	100.00	150.00	n/a

(1) Where compliance agreement entered in Accordance With section 8 (a)(v) of this bylaw.

TICKET INFORMATION UTILIZATION AMENDMENT BYLAW, 2020

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

That the Ticket Information Utilization Bylaw No. 2743 be amended by replacing Schedule 15 – “Animal Control Bylaw No. 3990” with the Schedule 15 for “Animal Control Bylaw No. 3990” attached hereto and forming part of this Bylaw.

READ A THIRD TIME this _____ day of _____, 2020

Corporate Officer

SCHEDULE 15

Animal Control Bylaw No. 3990

	SECTION	FINE	FINE (If paid within 30 days of service)
Dog At Large	8.1	150.00	100.00
Failure to Remove Excrement	8.3	150.00	100.00
Unconfined Dog in Heat	8.4	150.00	100.00
Confined Animal/Inadequate Ventilation	8.5	150.00	100.00
More Than Three Dogs in Off Leash Area	9.3	150.00	100.00
Fail to Secure Dog in Off Leash Area	9.7	150.00	100.00
Fail to Provide Identification of Aggressive Dog	10.3	300.00	200.00
Aggressive Dog Not Secured	10.4	500.00	N/A
Aggressive Dog At Large	10.5	500.00	N/A
Aggressive Dog in Off Leash Area	10.6	500.00	N/A
Fail to Report Aggressive Dog At Large	10.8	500.00	N/A
Fail to Report Transfer of Aggressive Dog	10.9	500.00	N/A
Aggressive Dog No Muzzle	10.10	500.00	N/A
Fail to Post/Maintain Dangerous Dog Sign	11.3	500.00	N/A
Fail to Report Transfer of Dangerous Dog	11.6	500.00	N/A
Fail to Mark Dangerous Dog With Identification	11.7	500.00	N/A
Dangerous Dog Not Secured	11.8	500.00	N/A
Dangerous Dog No Muzzle	11.9	500.00	N/A
Dangerous Dog At Large	11.10	500.00	N/A
Dangerous Dog With Minor	11.14	500.00	N/A
Fail to Report Dangerous Dog At Large	11.15	500.00	N/A
Dangerous Dog in Off Leash Area	11.16	500.00	N/A
Unlicensed Dog	12.1	150.00	100.00
No Licence Tag	12.3	75.00	50.00
More Than Three Dogs	13.2	150.00	100.00
Unpermitted Kennel	13.3	150.00	100.00
Farm Animal in Residential Zone	15.1	150.00	100.00
Farm Animal At Large	15.2	150.00	100.00
Keep Venomous Snake	16.1 (a)	300.00	200.00
Keep More Than Four Snakes	16.1 (b)	150.00	100.00
Keep More Than Four Rodents	16.1 (c)	150.00	100.00

Animal Control Bylaw Amendment - Emotional Support Animals

RECOMMENDATION:

That Committee of Council recommend that Council:

1. Adopt Bylaw No. 4168 to allow for the provision of emotional support animals; and
2. Adopt amendments to Bylaw Notice Enforcement Bylaw No. 3814 and Ticket Information Bylaw No. 2743 to add ticketing provisions for:
 - S 10 (12) Aggressive Dog no muzzle - \$500.00
 - S 11(9) Dangerous Dog no muzzle - \$500.00

REPORT SUMMARY

This report outlines proposed amendments to Animal Control Bylaw No. 3990, to allow for the keeping of emotional support animals within specific parameters.

This report also recommends a housekeeping amendment to add ticketing provisions for aggressive and dangerous dogs without muzzles.

BACKGROUND

In recent years the Bylaw Division has come across situations via complaint in which people have been keeping animals as pets that are not permitted in residential zones. Specifically, they are not permitted under Animal Control Bylaw No. 3990 or Zoning Bylaw No. 3630. In some of these situations, individuals have claimed that the animals provide them emotional support or comfort. Examples of the types of animals that are being brought forward as emotional support animals are chickens, goats and pigs.

Currently, the animal control bylaw only addresses a service animals or guide dogs. It is important to distinguish between the commonly known service animal (usually dogs) and emotional support animals. Service dogs differ from emotional support animals in a few key ways. Service dogs have been trained to perform specific tasks for individuals, and are usually given access to anywhere their owner goes. Emotional support animals do not require any specific training, and may not be given access to establishments such as restaurants, malls, or airports like service dogs are.

Training and certification for Guide Dog and Service Dogs are regulated in British Columbia as per the Guide Animal Act. Dogs certified and registered under these guidelines are for animals used for person with blindness or disabilities other than blindness. The legislation defines a "Guide Animal" as "if that animal is used by a person with a disability to avoid hazards or to otherwise compensate for a disability; and" it further defines person with a disability as " a person who is apparently blind or otherwise disabled and is dependent on a guide animal or white cane."

Certified guide dog or service animals are permitted in Port Coquitlam and are exempt from a license fee.

Animal Control Bylaw Amendment - Emotional Support Animals

DISCUSSION

Recognizing that animals may serve as emotional support to persons in need, this report recommends that Animal Control Bylaw No. 3990 be amended to allow emotional support animals in specific and limited circumstances, subject to approval by the Bylaw Services Manager on a case by case basis. The recommended bylaw amendment stipulates that a person must apply to the Bylaw Services Manager to have a farm animal designated as an emotional support animal by submitting an application, providing the address at which the animal will be kept, and providing a letter from a qualified person or psychiatrist evidencing that the animal is used for a disability-related illness.

The proposed amendment stipulates further that the Bylaw Services Managers may designate the animal as an Emotional Support Animal subject to the owner meeting certain provisions that mitigate potential disturbances such as noise or odour, or conversely; reject the application. The Bylaw Services Manager may review and cancel the designation if conditions are not met or if the animal becomes a nuisance or is not adhering to the provisions.

Provisions of the amendment also outline that the owner can only keep the animal at the address on the application and that the designation is specific to the animal and cannot be transferred upon the death of the animal.

The following guidelines will be adopted in applying the bylaw:

- No specific time limit on designation however the designation will be reviewed if complaints are received. The designation is good for as long as the animal and the owner live at the address on the application.
- A one designation per animal requirement. Some owners might suggest that they should be permitted to keep a pig and that they can replace one pig with another without making a new application. In that case it is the owner that has special status, not the animal, and it is likely easier to administer an animal specific regulation.
- No amendment to the Zoning Bylaw. This is for two reasons. First the prohibition against keeping farm animals in a residential zone is found in the animal control bylaw, not the zoning bylaw. Second, the definition of agriculture in the zoning bylaw refers to “farm use” in the Agricultural [Land] Commission Act, which in turn refers to using “agricultural land for farming ... animals”. That use is not occurring here, as a person is using residential land to keep a domestic animal for a residential purpose. The difference being that this species of animal might be farmed by others.

The guidelines for applying for an animal to become an emotional support are quite stringent in that the amendment is very tight to ensure this isn't a wide scale item, and the application is onerous to also ensure it isn't abused.


Animal Control Bylaw Amendment - Emotional Support Animals

A concern around adopting this amendment is the potential of opening a floodgate of applications for animals that are not suitable to live in residential areas. Denials of applications could lead to Canadian Charter legal challenges under the equity of rights for mental and physical disabilities; section 15. Most municipalities however, do not have a provision for support animals that extend beyond domestic animals.

FINANCIAL IMPLICATIONS

None.

OPTIONS (✓ = Staff Recommendation)

	#	Description
	1	Recommend adoption of the bylaw amendments.
	2	Request further information from staff.
	3	Take no action and leave the current bylaw unchanged.

ATTACHMENTS

Att#1: Bylaw 4168 – Animal Control Amendment Bylaw

Att#2: Bylaw 4170 – Bylaw Notice Enforcement Amendment

Att#3: Bylaw 4171 – Ticket Information Utilization Amendment

Lead author(s): Paula Jones

Contributing author(s): None