

NO: R231

COUNCIL DATE: NOVEMBER 12, 2013

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **November 6, 2013**

FROM: **City Solicitor**

FILE: **3900-20-13880/#1B**

SUBJECT: **Amendment to the Surrey Dog Responsibility By-law, 1999, No. 13880 Related to Dog Tethering**

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## RECOMMENDATION

The Legal Services Division recommends that Council:

1. Receive this report as information;
2. Authorize the City Clerk to bring forward for the required readings amendments, as documented in Appendix "A" to this report, related to the Surrey Dog Responsibility By-law, 1999, No. 13880 (the "Dog By-law"), which if adopted will make it an offence for an owner or other responsible person to leave a dog on a tether for a cumulative total time of over four hours during any day; and
3. Authorize the City Clerk to bring forward for the required readings amendments, as documented in Appendix "B" to this report, related to the Surrey Municipal Ticket Information By-law, 1994, No. 12508 (the "MTI By-law"), which if adopted will allow for the use of MTI tickets in relation to the enforcement of the above-referenced amendments to the Dog By-law.

## INTENT

The intent of this report is to bring forward for Council's consideration amendments to the Dog By-law and MTI By-law, which, if adopted, would make it an offence for an owner or other responsible person to leave a dog on a tether for long periods of time and will allow for the use of MTI tickets in enforcing this provision.

## BACKGROUND

Currently, there are no regulations in City By-law related to the tethering of dogs.

On April 23, 2012, Council-in-Committee received a delegation who requested that the City amend its existing regulatory scheme to address the inhumane tethering of dogs. The delegation referenced dogs that are tethered for extended periods of time while deprived of human contact and lacking food and opportunities for reasonable exercise and entertainment, as being prone to health problems and having the potential to grow

increasingly aggressive over time and become increasingly likely to attack humans. The delegation stated that the tethering dogs can be harmful to the dogs and is akin to animal cruelty. They further noted that dog tethering can increase the risk to the surrounding community and advised that their request is supported by a number of groups within British Columbia.

In response to the delegation, the City of Surrey forwarded a resolution to the UBCM for consideration at the 2013 Annual UBCM Convention. The resolution requested UBCM member support for the Government of British Columbia to amend the *Prevention of Cruelty to Animals Act*, R.S.B.C. 1996, c. 372 (the "Act") to specifically reference "tethering of dogs" and to permit enforcement actions under the Act in situations where tethering causes a dog(s) to be "in distress" within the meaning of the Act. Due to time constraints related to the Convention, the resolution was not discussed at the 2013 UBCM Convention. However, it is anticipated the matter will be further discussed by the Executive Board of the UBCM in November 2013.

Staff has reviewed the animal control by-laws of other lower mainland municipalities. The Corporation of Delta prohibits the tethering of an animal for more than 4 hours in a 24 hour period and the City of Richmond prohibits the tethering of an animal for more than 1 hour within any 6 hour period. These are the only two lower mainland local governments that have established time limits on tethering in their respective by-laws; however, some other lower mainland local governments have prohibited tethering under their by-laws.

## DISCUSSION

In consideration of the effects on dogs of being tethered over long periods of time; particularly, when the owner of the dog or other responsible person is not present to feed, tend to, exercise and entertain the dog, it is considered reasonable for the City to take action to protect dogs against this inhumane treatment by amending the City's Dog By-law. Staff holds the view that a complete ban on tethering is overly restrictive in relation to the reasonable care and keeping of domestic animals.

An amending By-law has been prepared and is attached to this report as Appendix "A". The amendments will limit the tethering of a dog within the City to a cumulative total of no longer than four hours during any day (i.e., 24-hour period). One exception to this restriction is where humane tethering is authorized by a City of Surrey animal control officer, in circumstances, where a dog is required to be tethered to protect the safety of other animals or persons for a period of time and where other options are not immediately available.

A second amending By-law has been prepared in relation to the MTI By-law, which if adopted, will allow for the use of MTI tickets in enforcing the amendments to the Dog By-law, as proposed.

Council approval of these proposed amendments to the Dog By-law and MTI By-law will enable the City to intervene in situations where dogs are tethered for longer periods of time but for which the City would currently have no basis for action under its By-laws.

## CONCLUSION

Based on the above discussion, the Legal Services Division recommends that Council:

- Authorize the City Clerk to bring forward for the required readings amendments, as documented in Appendix "A" to this report, related to the Surrey Dog Responsibility By-law, 1999, No. 13880 (the "Dog By-law"), which if adopted will make it an offence for an owner or other responsible person to leave a dog on a tether for a cumulative total time of over four hours during any day; and
- Authorize the City Clerk to bring forward for the required readings amendments, as documented in Appendix "B" to this report, related to the Surrey Municipal Ticket Information By-law, 1994, No. 12508 (the "MTI By-law"), which if adopted will allow for the use of MTI tickets in relation to the enforcement of the above-referenced amendments to the Dog By-law.



CRAIG MacFARLANE  
City Solicitor

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Appendix "A": Proposed Amending By-law Related to Surrey Dog Responsibility By-law, 1999, No. 13880

Appendix "B": Proposed Amending By-law Related to Surrey Municipal Ticket Information By-law, 1994, No. 12508

APPENDIX "A"

CITY OF SURREY

BY-LAW NO. \_\_\_\_\_

A by-law to amend the provisions of "Surrey Dog Responsibility By-law, 1999, No. 13880" as amended.  
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The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Surrey Dog Responsibility By-law, 1999, No. 13880" as amended, is hereby further amended as follows:

a. By adding new Section 48.1 immediately after Section 48:

48.1 No person owning or having custody, care or control of a dog shall allow or suffer the dog, while at the house or premises of the owner or the person having the custody, care or control of the dog, to be hitched, tied or fastened by a rope, chain or cord to any object, other than a person, in excess of a total of four hours in a 24-hour period, except as permitted or required at the discretion of the Poundkeeper.

2. This By-law shall be cited for all purposes as "Surrey Dog Responsibility By-law, 1999, No. 13880, Amendment By-law, 2013, No. \_\_\_\_\_".

PASSED THREE READINGS on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK

APPENDIX "B"

CITY OF SURREY

BY-LAW NO. \_\_\_\_\_

A by-law to amend the provisions of "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508" as amended.

.....

The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508" as amended, is hereby further amended as follows:

a. Schedule 4 to By-law No. 12508 be amended by adding the following immediately below "9. Dangerous dog not confined":

10. Dog tied to object                      48.1                      \$200.00

2. This By-law shall be cited for all purposes as "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, Amendment By-law, 2013, No. \_\_\_\_\_".

PASSED THREE READINGS on the \_\_\_\_ day of \_\_\_\_\_, 2013.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK