

COUNCIL AGENDA/INFORMATION		
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<input checked="" type="checkbox"/> Reg. Council	Date: <u>June 22, 09</u>	Item # <u>12</u>
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Author	Director	Chief Administrative Officer
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DISTRICT OF WEST VANCOUVER
750 – 17TH STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Date: May 26, 2009 File: 1605-05
 From: Liz Holitzki - Manager Permits, Inspections and Bylaws
 Subject: **Animal Control and Licencing Bylaw No. 4545, 2008 Amendment Bylaw No. 4605, 2009**

RECOMMENDED THAT:

1. Animal Control and Licence Bylaw No. 4545, 2008 Amendment Bylaw No. 4605, 2009 be introduced and read a first, second, and third time.

Purpose

The purpose of this report is to present Animal Control Bylaw No. 4545, 2008 Amendment Bylaw No. 4605, 2009 which addresses the need to amend the regulations involving "Aggressive Dog" and "Dangerous Animal" signs.

1.0 Background

1.1 Prior Resolutions

On June 2, 2008 Council adopted Animal Control and Licencing Bylaw No. 4545, 2008 which set out several regulations including the requirement for signs to be posted on the premises when an animal has been deemed "Aggressive" or "Dangerous".

2.0 Analysis

2.1 Discussion

Staff have recently encountered a situation where a resident's animals were deemed "Aggressive" and they were subsequently required to erect signs warning the public who may enter the property that these animals were located on the premises. The resident erected a large billboard size sign which included the words "Aggressive Dogs on Premises" as required by the bylaw, but also

included statements critical of the District and other area residents. Staff felt this sign was in contravention of the Sign Bylaw due to it's size and issued a Bylaw Notice for "Posting a Prohibited Sign". The ticket was disputed and proceeded to Adjudication. The matter was heard at the May 21, 2009 Adjudication Hearing and the decision of the Adjudicator was that while the sign may not have met the intent of the Bylaw, the District cannot enforce intent. The sign did contain the necessary wording as stated in the Animal Control Bylaw and since the Bylaw was not prescriptive in size restrictions for these signs the ticket was cancelled. While the District may appeal the decision through a Judicial Review this is an extremely onerous process. Staff recommend that the Bylaw be amended to provide specific size requirements for these signs to prevent this situation from occurring in the future and to ensure that the intent of these provisions, alerting the public to the presence of a dangerous animal, be achieved.

Currently the Animal Control and Licencing Bylaw requirements for these signs deal with their visibility from the curbside which is more suggestive than specific, and allows for some discretion on the part of the property owner and Bylaw Officers. While this has helped to keep the signs visible and readable, it does not prevent property owners from erecting excessively large signs that contain wording that distracts from the intent of the Bylaws requirements.

The recommended Bylaw amendment restricts the size of the required signs to between .75 (2.5 square feet) and 1.5 square meters (4.9 square feet), and restricts the wording to only read "aggressive dog on premises" or "dangerous animal on premises", whichever is relevant.

3.0 Options

1. Animal Control and Licence Bylaw No. 4545, 2008 Amendment Bylaw No. 4605, 2009 be introduced and read a first, second, and third time.
2. To not give Animal Control and Licence Bylaw No. 4545, 2008 Amendment Bylaw No. 4605, 2008 1st, 2nd and 3rd readings and refer the matter back to staff with further direction.

Author: _____

Concurrence
(optional) _____

Appendices:

1. Animal Control and Licencing Bylaw No. 4545, 2008 Amendment Bylaw 4605, 2009



District of West Vancouver

ON-TABLE

**Animal Control and Licence Bylaw No. 4545,
2008 Amendment
Bylaw No. 4605, 2009**

Effective Date – [Date]

Animal Control and Licence Bylaw No. 4545, 2008 Amendment Bylaw No. 4605, 2009

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District of West Vancouver

Animal Control and Licence Bylaw No. 4545, 2008 Amendment Bylaw No. 4605, 2009

A bylaw to amend the Animal Control and Licence Bylaw.

The Council of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Animal Control and Licence Bylaw No. 4545, 2008 Amendment Bylaw No. 4605, 2009.

Part 2 Part and Section Titles

- 2.1 The "Animal Control and Licence Bylaw No. 4545, 2008", is amended as follows:
- 2.1.1 Replacing section 9.1.2(c)(i) with the following:
- (i) with lettering stating that an "aggressive dog on premises" or "dangerous animal on premises", as the case may be, and the sign shall contain no other "copy" as defined by the West Vancouver Sign Bylaw No. 4499, 2007;
- 2.1.2 Removing the first word "and" in section 9.1.2(c)(iii);
- 2.1.3 Adding the following subsection under section 9.1.2(c)
- (iv) and the signs must not be larger than 1.5 square meters (4.9 square feet), nor smaller than .75 square meters (2.5 square feet);

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

Mayor

Municipal Clerk